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NEW DELHI, SATURDAY, JULY 24, 1993/SRAVANA 2, 1915

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii) PART II—Section 3—Sub-Section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and notifications issued by the Ministries of the Government of India (other than
Ministry of the Defence)

वित्त मंत्रालय

(राजस्व विभाग)

केन्द्रीय प्रत्यक्ष कर बोर्ड

नई दिल्ली, 2 जुलाई, 1993

का.आ. 1562—सर्व साधारण की सूचना के लिए यह अधिसूचित किया जाता है कि नीचे दी गई संस्था/एसोसिएशन तथा इसके नीचे दिए गए उसके कार्यक्रम को सचिव पर्यावरण एवं वन मंत्रालय, भारत सरकार, नई दिल्ली द्वारा, जोकि आयकर नियमावली, 1962 के नियम 6-ए.ए.सी के अंतर्गत विहित प्राधिकारी हैं, आयकर अधिनियम, 1961 की धारा 35-सी सी बी के प्रयोजनार्थ अनुमोदित किया गया है।

संस्था/एसोसिएशन का नाम

भैसर्ग गुजरात इकोलोजिकल एजुकेशन एण्ड रिसर्च (जी ई ई आर)
फाउण्डेशन, जे-1, 194/3, सेक्टर 30, गांधीनगर।

कार्यक्रम:

1. इन्द्रोदा नेचर पार्क तथा हिमोलगढ़ नेचर एजुकेशन सेंचुरी के क्षेत्रों में मृदा आद्रता संरक्षण कार्य तथा वृहद वृक्षारोपण कार्य।
2. इन्द्रोदा नेचर पार्क तथा हिमोलगढ़ सेंचुरी के समूचे क्षेत्र के साथ-साथ इनमें सेंचुरियों के आस-पास के क्षेत्र में पारिस्थितिक विकास।
3. इन्द्रोदा नेचर पार्क में नेचुरल हिस्ट्री म्यूजियम की स्थापना।

4. प्रकृति शिक्षा कैंपों तथा चल प्रकृति शिक्षा केन्द्र के माध्यम से संरक्षण विषयक जागरूकता को बढ़ाना।
5. लॉयन सफारी पार्क, टाइगर सफारी पार्क, आदि की स्थापना सहित पशुओं और पक्षियों की विभिन्न लुप्तप्राय प्रजातियों का संरक्षण और विकास करना।
6. विहित प्राधिकारी द्वारा दिए गए दोनों ही अनुमोदन अर्थात् (i) धारा 35-सी सी बी की उपधारा (2) के अंतर्गत संस्था/एसोसिएशन के लिए और (ii) धारा 35-सी सी बी की उपधारा (1) के अंतर्गत कार्यक्रमों के लिए, दिनांक पहली दिसंबर, 1992 से 30 नवंबर, 1995 तक तीन वर्षों की अवधि के लिए निम्नलिखित शर्तों के अधीन बंध है:—

1. गुजरात इकोलोजिकल एजुकेशन एंड रिसर्च (जी ई ई आर) फाउण्डेशन संरक्षण विषयक कार्यक्रमों के लिए इसके द्वारा प्राप्त किए गए दोनों का एक अलग लेखा रखेगा।
2. गुजरात इकोलोजिकल एजुकेशन एंड रिसर्च (जी ई ई आर) फाउण्डेशन संरक्षण विषयक कार्यक्रमों की प्रत्येक वर्ष की प्रगति रिपोर्ट को प्रत्येक वर्ष 30 जून तक विहित प्राधिकारी को प्रस्तुत करेगा।
3. गुजरात इकोलोजिकल एजुकेशन एंड रिसर्च फाउण्डेशन विहित प्राधिकारी को 30 जून तक अपने वार्षिक लेखे प्रस्तुत करेगा जिसमें कुल आय तथा देनदारियों को दिखाया गया हो तथा इन

वस्त्रावेजों में से प्रत्येक की एक-एक प्रतः निम्नलिखित आकार आसुता को भेजेगा।

- यह अनुमोदन विहित प्राधिकारी की निरन्तर संपूर्णित के अधीन है तथा इसे भुलझी प्रभाव से, यदि आवश्यक समझा जाता है, वापिस लिया जा सकता है।

[सं. 9324/फा सं. 203/16/93-आवकर नि. II-]

जो. मुन्थुरामाकृष्णन, निदेशक

MINISTRY OF FINANCE

(Department of Revenue)

Central Board of Direct Taxes

New Delhi, the 2nd July, 1993

S.O. 1562.—It is notified for general information that the Institution/Association mentioned below and its programme given hereunder, have been approved by the Secretary, Ministry of Environment and Forests, Government of India, New Delhi being the prescribed authority under the rule 6-AAC of the Income-tax Rules, 1962, for the purposes of Section 35CCB of Income-tax Act, 1961.

Name of the Institution/Association :

M/s. Gujarat Ecological Education and Research (GEER) Foundation, G-1, 194/3, Sector 30, Gandhinagar.

Programmes :

1. Soil moisture conservation works and massive tree planting work in the areas of Indroda Nature Park and in Hingolghadh Nature Education Sanctuary.

2. Eco Development of entire area of Indroda Nature Park and Hingolghadh Sanctuary as well as in the areas surrounding the sanctuaries.

3. Establishment of Natural History Museum at Indroda Nature Park.

4. Raising conservation awareness through nature education camps and mobile nature education centre.

5. Taking up captive breeding of various endangered species of animals and birds including establishing Lion Safari Park, Tiger Safari Park etc.

6. Both the approvals accorded by the Prescribed Authority namely (i) to the Institution/Association under sub-section (2) of Section 35CCB and (ii) to the programmes under sub-section (1) of the Section 35CCB are valid for a period of 3 years from 1st December, 1992 to 30th November, 1995 subject to the following conditions :—

- Gujarat Ecological Education and Research (GEER) Foundation shall maintain a separate account of the donations received by it for conservation activities.
- Gujarat Ecological Education and Research (GEER) Foundation shall furnish progress reports of the conservation programmes to the prescribed authority for every financial year by 30th June every year.
- Gujarat Ecological Education and Research (GEER) Foundation shall submit to the prescribed authority by the 30th June annual accounts showing total income and liabilities and a copy of each of these documents sent to the concerned Commissioner of Income-tax.
- The approval is subject to the continued satisfaction of the prescribed authority and may be withdrawn with retrospective effect, if considered necessary.

[No. 9324/F. No. 203/16/93-ITA.II]

G. MUTHURAMKRISHNAN, Director

(आर्थिक कार्य विभाग)

(वैकिंग प्रभाग)

नई दिल्ली, 25 जून, 1993

का.प्र. 1563.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्रीय सरकार भारतीय रिजर्व बैंक की निगरानि पर एतद्वारा घोषणा करती है कि उक्त अधिनियम की धारा 19(2) के उपबंध, युनाइटेड बैंक ऑफ इंडिया पर अधिसूचना की तारीख से दो वर्षों की अवधि के लिए उक्त सीमा तक लागू नहीं होंगे जहां तक उक्त संस्था निरवधार के रूप में मेम्बर एस्काल इंडिया प्रा. लि., कलकत्ता के पूंजी की उपाधी धारिता से है।

[सं. 15/16/91-बी ओ ए

के. के. मंगल, अवर सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 25th June, 1993

S.O. 1563.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government on the recommendation of the Reserve Bank of India, hereby declares that the provisions of Section 19(2) of the said Act shall not apply to United Bank of India for a period of two years from the date of notification in so far as they relate to its holding shares in M/s. Escal India Pvt. Ltd., Calcutta as pledgee.

[No. 15/16/91-BOA]

K. K. MANGAL, Under Secy.

नई दिल्ली, 28 जून, 1993

का.प्र. 1564.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्रीय सरकार, भारतीय रिजर्व बैंक की निगरानि पर, एतद्वारा, घोषणा करती है कि उक्त अधिनियम की धारा 10(ख) की उपधारा (9) के उपबंध, कर्नाटक बैंक लि., पर 11 मई, 1993 से 10 अगस्त, 1993 तक तीन महीने की अवधि या उक्त बैंक के लिये नियमित अध्यक्ष और मुख्य कार्यपालक अधिकारी की नियुक्ति होने तक, इनमें से जो भी पहले हो, उस सीमा तक लागू नहीं होंगे जहां तक, बैंक को 4 महीने से अधिक के लिये अध्यक्ष का कार्य करने के लिये आवश्यक करने की छूट है।

[सं. 15/5/93-बीओए (ii)]

के. के. मंगल, अवर सचिव

New Delhi, the 28th June, 1993

S.O. 1564.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government on the recommendations of the Reserve Bank of India, hereby declares that the provisions of sub-section (9) of Section 10B of the said Act to the extent they preclude a bank from making arrangement for performance of duties of Chairman beyond a period of four months, shall not apply to the Karnataka Bank Ltd., for a period of three months from 11th May, 1993 to 10th August, 1993 or till the appointment of a regular Chairman and Chief Executive Officer for that bank, whichever is earlier.

[No. 15/5/93-BOA (ii)]

K. K. MANGAL, Under Secy.

आदेश

नई दिल्ली, 2 जुलाई, 1993

का.प्र. 1565.—राष्ट्रीयकृत बैंक (प्रबंध और प्रकीर्ण उपबंध) योजना, 1970 के खंड 8 के उप खंड (1क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, सिंडिकेट बैंक के कार्यपालक निदेशक, श्री आर. एस. पई का कार्यकाल इस नोटिस को उन पर लागू किए जाने की तारीख से समाप्त करती है और यह निदेश देती है कि उन्हें नोटिस की अवधि के बदले, तीन महीने की अवधि के वेतन और ग्राह्य भर्तों के बराबर राशि भुगतान की जाए। लेकिन, भर्तों की भुगतानी उन भर्तों के अधीन की जाएगी जिनके अंतर्गत ऐसे भर्ते अन्यथा ग्राह्य हों।

[सं. एफ. 20/14/90-बी ओ-1]

आर. व्ही. गुप्ता, अपर सचिव

ORDER

New Delhi, the 2nd July, 1993

S.O. 1565.—In exercise of the powers conferred by sub-clause (1A) of Clause 8 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government hereby terminate the terms of office of Shri R. S. Pai, Executive Director, Syndicate Bank with effect from the date of service of this notice on him and direct that he shall be paid a sum equivalent to the amount of his salary and admissible allowances for a period of three months in lieu of the period of notice. The payment of allowances will, however, be subject to the conditions in which such allowances are otherwise admissible.

[No. 20/14/90-BO-I]

R. V. GUPTA, Addl. Secy.

नई दिल्ली, 5 जुलाई, 1993]

का.प्र. 1566.—राष्ट्रीयकृत बैंक (प्रबंध और प्रकीर्ण उपबंध) योजना, 1970 के खंड 3 के उप खंड (घ) के अनुसरण में केन्द्रीय सरकार, एतद्वारा श्री डी. एन. भाग. सिम्हदु, संयुक्त मुख्य अधिकारी, वित्तिय पंचालन और विकास विभाग, भारतीय रिजर्व बैंक, केन्द्रीय कार्यालय, बम्बई को श्री जे. आर. प्रभु के स्थान पर बैंक ऑफ इंडिया में निदेशक के रूप में नियुक्त करती है।

[सं. एफ. 9/4/93-बी. ओ-1]

एम. एस. सोतारामन, अपर सचिव

New Delhi, the 5th July, 1993

S.O. 1566.—In pursuance of sub-clause (g) of clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government hereby appoints Shri D.S.R. Simhodu, Joint Chief Officer, Department of Banking Operations and Development, Reserve Bank of India, Central Office, Bombay as a Director of Bank of India vice Shri J. R. Prabhu.

[F. No. 9/4/93-B.O. II]

M. S. SEETHARAMAN, Under Secy.

नई दिल्ली 5 जुलाई, 1993

का. प्र. 1567.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1980 के खण्ड 3 के उपखण्ड (छ) के अनुसरण में, केन्द्रीय सरकार, एतद्वारा नीचे दी गयी सारणी के कालम (2) में निदिष्ट व्यक्तियों को उक्त सारणी के कालम (3) में निदिष्ट व्यक्तियों के स्थान पर कालम (1) में निदिष्ट राष्ट्रीयकृत बैंकों का निदेशक नियुक्त करती है।

सारणी

1	2	3
पंजाब एण्ड सिंध बैंक	श्री पी. बी. पाध्ये, मुख्य लेखाकार, लागत एवं बैंक लेखा विभाग, भारतीय रिजर्व बैंक, केन्द्रीय कार्यालय, बम्बई।	श्री जी. जी. अयावले
कारपोरेशन बैंक	श्री के. के. दत्ता, संयुक्त मुख्य अधिकारी, भारतीय रिजर्व बैंक, डी. बी. ओ. डी., केन्द्रीय कार्यालय, बम्बई।	श्री एम. एस. हुसैन

[सं. 9/4/93/बी ओ I (II)]

एम. एस. सोतारामन, अपर सचिव

New Delhi, the 5th July, 1993

S.O. 1567: In pursuance of sub-clause (g) of clause of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1980, the Central Government hereby appoints the persons specified in column (2) of the Table below as Directors of the nationalised banks specified in column (1) thereof in place of the persons specified in column (3) of the said Table.

TABLE

(1)	(2)	(3)
Punjab & Sind Bank	Shri P.Y. Padhye, Chief Accountant, Department of Government and Bank Accounts, Reserve Bank of India, Central Office, Bombay.	Sh. V.G. Athavale
Corporation Bank	Shri K.K. Dutta, Joint Chief Officer, Reserve Bank of India, D.B.O.D., Central Office, Bombay.	Sh. M.S. Hussain

[F. No. 9/4/93-B.O. I(II)]

M.S. SEETHARAMAN, Under Secy.

वाणिज्य संत्रातन

नई दिल्ली, 23 अून, 1993

का. प्र. 1568.—केन्द्रीय सरकार नियमित (सर्वान्तो नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 8 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के वाणिज्य

मंत्रालय की अधिसूचना सं. का. भा. 2110 तारीख 22 जुलाई, 1978 को विध्वंसित करती है।

[फा. सं. 6/4/90-ई आई एण्ड ई पी]

कुमारी सुमा सुब्बन्ना, निदेशक

पाद टिप्पणः—मूल अधिसूचना वाणिज्य मंत्रालय के सं. का. भा. 2110 तारीख 22 जुलाई, 1978 द्वारा प्रकाशित की गयी थी।

MINISTRY OF COMMERCE

New Delhi, the 23rd June, 1993

S.O.1568.—In exercise of the powers conferred by section 8 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby rescinds the Notification of the Government of India in the Ministry of Commerce, No. S.O. 2140, dated 22nd July, 1978.

[File No. 6/4/90-EI&EP]

KUM. SUMA SUBBANNA, Director

Footnote : The principal notification was published vide Ministry of Commerce No. S.O. 2140 dated 22nd July, 1978.

नई दिल्ली, 23 जून, 1993

का. भा. 1569.—केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 8 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के वाणिज्य मंत्रालय की अधिसूचना सं. का. भा. 1221(बी) तारीख 28 मार्च, 1978 को विध्वंसित करती है।

[फा. सं. 6/4/90-ई. आई. एण्ड ई. पी.]

कुमारी सुमा सुब्बन्ना, निदेशक

पाद टिप्पणः—मूल अधिसूचना वाणिज्य मंत्रालय के सं. का. भा. 1221 (बी) तारीख 28 मार्च, 1984 द्वारा प्रकाशित की गयी थी।

New Delhi, the 23rd June, 1993

S.O. 1569.—In exercise of the powers conferred by section 8 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby rescinds the Notification of the Government of India, in the Ministry of Commerce, No. S.O. 1221 (B), dated 28th March, 1984.

[File No. 6/4/90-EI&EP]

KUM. SUMA SUBBANNA, Director

Footnote : The principal notification was published vide Ministry of Commerce, No. S.O. 1221(B), dated 28th March, 1984.

नई दिल्ली, 23 जून, 1993

का. भा. 1570.—केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 8 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के वाणिज्य मंत्रालय की अधिसूचना सं. का. भा. 4577 तारीख 19 दिसम्बर, 1967 को विध्वंसित करती है।

[फा. सं. 6/4/90-ई आई एण्ड ई पी]

कुमारी सुमा सुब्बन्ना, निदेशक

पाद टिप्पणः—मूल अधिसूचना वाणिज्य मंत्रालय के सं. का. भा. 4577 तारीख 19 दिसम्बर 1967 द्वारा प्रकाशित की गयी थी।

New Delhi, the 23rd June, 1993

S.O. 1570.—In exercise of the powers conferred by section 8 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby rescinds the Notification of the Government of India, in the Ministry of Commerce, No. S.O. 4577, dated 19th December, 1967.

[File No. 6/4/90-EI&EP]

KUM. SUMA SUBBANNA, Director

Footnote : The principal notification was published vide Ministry of Commerce No. S.O. 4577, dated 19th December, 1967.

नई दिल्ली, 23 जून, 1993

का. भा. 1571.—केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 8 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के वाणिज्य मंत्रालय की अधिसूचना सं. का. भा. 578 तारीख 25 फरवरी, 1978 को विध्वंसित करती है।

[फा. सं. 6/4/90-ई आई एण्ड ई पी]

कुमारी सुमा सुब्बन्ना, निदेशक

पाद टिप्पणः—मूल अधिसूचना वाणिज्य मंत्रालय के सं. का. भा. 578 तारीख 25 फरवरी, 1978 द्वारा प्रकाशित की गयी थी।

New Delhi, the 23rd June, 1993

S.O. 1571.—In exercise of the powers conferred by section 8 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby rescinds the Order of the Government of India, in the Ministry of Commerce, No. S.O. 578 dated the 25th February, 1978.

[File No. 6/4/90-EI&EP]

KUM. SUMA SUBBANNA, Director

Footnote : The principal notification was published vide Ministry of Commerce, No. S.O. 578 dated 25th February, 1978.

नई दिल्ली, 23 जून, 1993

1572—केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के वाणिज्य मंत्रालय की अधिसूचना सं. का. भा. 577 तारीख 25 फरवरी, 1978 को विध्वंसित करती है।

[फा. सं. 6/4/90-ई आई एण्ड ई पी]

कुमारी सुमा सुब्बन्ना, निदेशक

पाद टिप्पणः—मूल अधिसूचना वाणिज्य मंत्रालय के सं. का. भा. 577 तारीख 25 फरवरी, 1978 द्वारा प्रकाशित की गयी थी।

New Delhi, the 23rd June, 1993

S.O. 1572.—In exercise of the powers conferred by section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby rescinds the Notification of the Government of India in the Ministry of Commerce, No. S.O. 577, dated 25th February, 1978.

[File No. 6/4/90-EI&EP]

KUM. SUMA SUBBANNA, Director

Footnote : The principal notification was published vide Ministry of Commerce, No. S.O. 577, dated 25th February, 1978.

नई दिल्ली, 23 जून, 1993

का. आ. 1573.—केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम 1963 (1963 का 22) की धारा 7 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के वाणिज्य मंत्रालय की अधिसूचना सं. का. आ. 2969, तारीख 6 अक्टूबर, 1973 को विखण्डित करती है।

[फा. सं. 6/4/90-ईआईएण्डईपी]

कुमारी सुमा सुब्बण्णा, निदेशक

पाद टिप्पणः—मूल अधिसूचना वाणिज्य मंत्रालय के सं. का. आ. 2969 तारीख 6 अक्टूबर 1973 द्वारा प्रकाशित की गयी थी।

New Delhi, the 23rd June, 1993

S.O. 1573.—In exercise of the powers conferred by section 7 of the Export (Quality Control and Inspection) Act, 1963, the Central Government hereby rescinds the notification of the Government of India in the Ministry of Commerce No. S. O. 2969, dated 6th October, 1973.

[File No. 6/4/90-EI&EP]

KUM. SUMA SUBBANNA, Director

Footnote : The Principal notification was published vide Ministry of Commerce, No. S. O. 2969, dated 6th October, 1973.

नई दिल्ली 23 जून, 1993

का. आ. 1574.—केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के वाणिज्य मंत्रालय की अधिसूचना सं. का. आ. 1773, तारीख 7 जून, 1966 को विखण्डित करती है।

[फा. सं. 6/4/90-ईआईएण्डईपी]

कुमारी सुमा सुब्बण्णा, निदेशक

पाद टिप्पणः—मूल अधिसूचना वाणिज्य मंत्रालय के सं. का. आ. 1773 तारीख 7 जून 1966 द्वारा प्रकाशित की गयी थी।

New Delhi, the 23rd June, 1993

S.O. 1574.—In exercise of the powers conferred by section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby rescinds the Notification of the Government of India, in the Ministry of Commerce, No. S. O. 1773, dated 7th June, 1966.

[File No. 6/4/90-EI&EP]

KUM. SUMA SUBBANNA, Director

Footnote : The Principal notification was published vide Ministry of Commerce, No. S. O. 1773, dated 7th June, 1966.

नई दिल्ली, 23 जून, 1993

का. आ. 1575.—केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के वाणिज्य मंत्रालय की अधिसूचना सं. का. आ. 4576, तारीख 19 दिसम्बर, 1976 को विखण्डित करती है।

[फा. सं. 6/4/90-ईआईएण्डईपी]

कुमारी सुमा सुब्बण्णा, निदेशक

पाद टिप्पणः—मूल अधिसूचना वाणिज्य मंत्रालय के सं. का. आ. 4576 तारीख 19 दिसम्बर, 1976 द्वारा प्रकाशित की गयी थी।

New Delhi, the 23rd June, 1993

S.O. 1575.—In exercise of the powers conferred by section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby rescinds the Notification of the Government of India in the Ministry of Commerce, No. S. O. 4576, dated 9th December, 1967.

[File No. 6/4/90-EI&EP]

KUM. SUMA SUBBANNA, Director

Footnote : The Principal notification was published vide Ministry of Commerce, No. S. O. 4576, dated 19th December, 1967.

नई दिल्ली, 23 जून, 1993

का. आ. 1576.—केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के वाणिज्य मंत्रालय की अधिसूचना सं. का. आ. 2351 तारीख 14 सितम्बर, 1974 को विखण्डित करती है।

[फा. सं. 6/4/90-ईआईएण्डईपी]

कुमारी सुमा सुब्बण्णा, निदेशक

पाद टिप्पणः—मूल अधिसूचना वाणिज्य मंत्रालय के सं. का. आ. 2351 तारीख 14 सितम्बर, 1974 द्वारा प्रकाशित की गयी थी।

New Delhi, the 23rd June, 1993

S.O. 1576.—In exercise of the powers conferred by section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby rescinds the Notification of the Government of India, in the Ministry of Commerce, No. S. O. 2351, dated 14th September, 1974.

[File No. 6/4/90-EI&EP]

KUM. SUMA SUBBANNA, Director

Footnote : The Principal notification was published vide Ministry of Commerce No. S. O. 2351 dated 14th September, 1974.

नई दिल्ली, 23 जून, 1993

का. आ. 1577.—केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के वाणिज्य मंत्रालय की अधिसूचना सं. का. आ. 576 तारीख 25 फरवरी, 1978 को विखण्डित करती है।

[फा. सं. 6/4/90-ईआईएण्डईपी]

कुमारी सुमा सुब्बण्णा, निदेशक

पाद टिप्पणः—मूल अधिसूचना वाणिज्य मंत्रालय के सं. का. आ. 576 तारीख 25 फरवरी, 1978 द्वारा प्रकाशित की गयी थी।

New Delhi, the 23rd June, 1993

S.O. 1577.—In exercise of the powers conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby rescinds the Notification of the Government of India in the Ministry of Commerce, No. S. O. 576, dated 25th February, 1978.

[File No. 6/4/90-EI&EP]

KUM. SUMA SUBBANNA, Director

Footnote : The Principal notification was published vide Ministry of Commerce, No. S. O. 576, dated 25th February, 1978.

नई दिल्ली, 23 जून, 1993

का. आ. 1578.—केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के वाणिज्य मंत्रालय की अधिसूचना सं. का. आ. 1772, तारीख 7 जून, 1966 को विखण्डित करती है।

[फा. सं. 6/4/90-ई आई एण्ड ई पी]

कुमारी सुमा सुब्बण्णा, निदेशक

पाद टिप्पण —मूल अधिसूचना वाणिज्य मंत्रालय के सं. का. आ. 1772 तारीख 7 जून, 1966 द्वारा प्रकाशित की गयी थी।

New Delhi, the 23rd June, 1993

S.O. 1578.—In exercise of the powers conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby rescinds the Notification of the Government of India in the Ministry of Commerce, No. S. O. 1772, dated 7th June, 1966.

[File No. 6/4/90-EI&EP]

KUM. SUMA SUBBANNA, Director

Footnote : The Principal notification was published vide Ministry of Commerce, No. S. O. 1772, dated 7th June, 1966.

नई दिल्ली, 23 जून, 1993

का. आ. 1579 :—केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के वाणिज्य मंत्रालय की अधिसूचना सं. का. आ. 1221 (ए), तारीख 28 मार्च, 1984 को विखण्डित करती है।

[फा. सं. 6/4/90-ई आई एण्ड ई पी]

कुमारी सुमा सुब्बण्णा, निदेशक

पाद टिप्पण :—मूल अधिसूचना वाणिज्य मंत्रालय के सं. का. आ. 1221 (ए) तारीख 28 मार्च, 1984 द्वारा प्रकाशित की गयी थी।

New Delhi, the 23rd June, 1993

S.O. 1579.—In exercise of the powers conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby rescinds

the Notification of the Government of India, in the Ministry of Commerce, No. S. O. 1221 (A), dated 28th March, 1984.

[File No. 6/4/90-EI&EP]

KUM. SUMA SUBBANNA, Director

Footnote : The Principal notification was published vide Ministry of Commerce No. S.O. 1221(A) dated 28th March, 1984.

नई दिल्ली, 23 जून, 1993

का.आ. 1580 :—केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के वाणिज्य मंत्रालय की अधिसूचना सं. का.आ. 2968, तारीख 6 अक्टूबर, 1973 को विखण्डित करती है।

[फा. सं. 6/4/90-ई आई एण्ड ई पी]

कुमारी सुमा सुब्बण्णा, निदेशक

पाद टिप्पण :—मूल अधिसूचना वाणिज्य मंत्रालय के सं. का.आ. 2968 तारीख 6 अक्टूबर, 1973 द्वारा प्रकाशित की गयी थी।

New Delhi, the 23rd June, 1993

S.O. 1580.—In exercise of the powers conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby rescinds the Notification of the Government of India in the Ministry of Commerce, No. S. O. 2968, dated 6th October, 1973.

[File No. 6/4/90-EI&EP]

KUM. SUMA SUBBANNA, Director

Footnote : The Principal notification was published vide Ministry of Commerce No. S. O. 2968 dated 6th October, 1973.

नई दिल्ली, 23 जून, 1993

का.आ. 1581.—केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के वाणिज्य मंत्रालय की अधिसूचना सं. का.आ. 2353, तारीख 14 सितम्बर, 1974 को विखण्डित करती है।

[फा. सं. 6/4/90-ई आई एण्ड ई पी]

कुमारी सुमा सुब्बण्णा, निदेशक

पाद टिप्पण :—मूल अधिसूचना वाणिज्य मंत्रालय के सं. का.आ. 2353 तारीख 14 सितम्बर, 1974 द्वारा प्रकाशित की गयी थी।

New Delhi, the 23rd June, 1993

S.O. 1581.—In exercise of the powers conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby rescinds

the Order of the Government of India in the Ministry of Commerce, No. S. O. 2353, dated 14th September, 1974.

[File No. 6/4/90-EI&EP]

KUM. SUMA SUBBANNA, Director

Footnote : The Principal notification was published vide Ministry of Commerce, No. S. O. 2353, dated 14th September, 1974.

नयी दिल्ली, 23 जून, 1993

का.आ. 1582.—केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के वाणिज्य मंत्रालय की अधिसूचना सं. का.आ. 5577, तारीख 25 दिसम्बर, 1971 को विखण्डित करती है।

[फा.सं. 6/4/90-ई आई एण्ड ई पी]

कुमारी सुमा सुब्बण्णा, निदेशक

पाद टिप्पण : — मूल अधिसूचना वाणिज्य मंत्रालय के सं. का.आ. 5577, तारीख 25 दिसम्बर, 1971 द्वारा प्रकाशित की गयी थी।

New Delhi, the 23rd June, 1993

S.O. 1582.—In exercise of the powers conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby rescinds the Notification of the Government of India in the Ministry of Commerce, No. S. O. 5577, dated 25th December, 1971.

[File No. 6/4/90-EI&EP]

KUM. SUMA SUBBANNA, Director

Footnote : The Principal notification was published vide Ministry of Commerce, No. S. O. 5577, dated 25th December, 1971.

नयी दिल्ली, 23 जून, 1993

का.आ. 1583.—केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के वाणिज्य मंत्रालय की अधिसूचना सं. का.आ. 4575, तारीख 19 दिसम्बर, 1967 को विखण्डित करती है।

[फा.सं. 6/4/90-ई आई एण्ड ई पी]

कुमारी सुमा सुब्बण्णा, निदेशक

पाद टिप्पण : — मूल अधिसूचना वाणिज्य मंत्रालय के सं. का.आ. 4575 तारीख 19 दिसम्बर, 1967 द्वारा प्रकाशित की गयी थी।

New Delhi, the 23rd June, 1993

S.O. 1583.—In exercise of the powers conferred by section 17 of the Export Quality Control and Inspection Act, 1963 (22 of 1963), the Central Government hereby rescinds

the Notification of the Government of India, in the Ministry of Commerce, No. S. O. 4575, dated 19th December, 1967.

[File No. 6/4/90-EI&EP]

KUM. SUMA SUBBANNA, Director

Footnote : The Principal notification was published vide Ministry of Commerce, No. S. O. 4575, dated 19th December, 1967.

नयी दिल्ली, 23 जून, 1993

का.आ. 1584.—केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के वाणिज्य मंत्रालय की अधिसूचना सं. का.आ. 2355, तारीख 14 सितम्बर, 1974 को विखण्डित करती है।

[फा.सं. 6/4/90-ई आई एण्ड ई पी]

कुमारी सुमा सुब्बण्णा, निदेशक

पाद टिप्पण : — मूल अधिसूचना वाणिज्य मंत्रालय के सं. का.आ. 2355, तारीख 14 सितम्बर, 1974 द्वारा प्रकाशित की गयी थी।

New Delhi, the 23rd June, 1993

S.O. 1584.—In exercise of the powers conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby rescinds the Notification of the Government of India in the Ministry of Commerce, No. S. O. 2355, dated 14th September, 1974.

[File No. 6/4/90-EI&EP]

KUM. SUMA SUBBANNA, Director

Footnote : The Principal notification was published vide Ministry of Commerce No. S. O. 2355, dated 14th September, 1974.

नयी दिल्ली, 23 जून, 1993

का.आ. 1585.—केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के वाणिज्य मंत्रालय की अधिसूचना सं. का.आ. 2139, तारीख 22 जुलाई, 1978 को विखण्डित करती है।

[फा.सं. 6/4/90-ई आई एण्ड ई पी]

कुमारी सुमा सुब्बण्णा, निदेशक

पाद टिप्पणी : — मूल अधिसूचना वाणिज्य मंत्रालय के सं. का.आ. 2139, तारीख 22 जुलाई, 1978 द्वारा प्रकाशित की गयी थी।

New Delhi, the 23rd June, 1993

(Directorate General of Foreign Trade)

S.O. 1585.—In exercise of the powers conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby rescinds the Notification of the Government of India in the Ministry of Commerce, No. S. O. 2139, dated the 22nd July, 1978.

[File No. 6/4/90-FI&FP]
KUM. SUMA SUBBANNA, Director

Footnote : The Principal notification was published vide Ministry of Commerce, No. S. O. 2139, dated 22nd July, 1978.

(विदेश व्यापार महानिदेशालय)

प्रदेश

नई दिल्ली, 6 जुलाई, 1993

का. आ. 1586.—मै. स्टैंडर्ड कार्मिगियल टूबैको प्रा. लि. डी. नं० 8-24-31, मंगलागिरि रोड, गन्तूर-522001 को ई पी सी जी स्कीम के अन्तर्गत पंजीगत माल के आयात के लिए, 1,38,94,098 रुपये (एक करोड़, अठ्तीस लाख, बीस हजार, अठ्ठावन रुपये मात्र) का एक आयात लाइसेंस नं. पी/सी जी/2101204 दिनांक 25-1-93 को दिया गया था।

फर्म ने उपर्युक्त लाइसेंस की सीमाशुल्क प्रयोजन प्रति और विनियम नियंत्रण प्रति की अनुमति के लिए इस आक्षेप पर आवेदन किया है कि लाइसेंस की ये दोनों मूल प्रतियाँ खो गई अथवा गुम हो गई हैं। आगे यह बताया गया है कि लाइसेंस की ये प्रतियाँ किसी भी सीमाशुल्क प्राधिकारी के पास पंजीकृत नहीं कराई गयी थीं और इसलिए सीमाशुल्क प्रयोजन प्रति के मूल्य का बिल्कुल भी प्रयोग नहीं किया गया है।

2. अपने तर्क के समर्थन में लाइसेंसधारी ने नोटरी पब्लिश गन्तूर (आन्ध्र प्रदेश) के सामने विधिवत शपथ लेकर स्टाम्पड पत्र पर एक शपथपत्र दायित्व किया है। बशुमार में संयुक्त हैं कि आयात लाइसेंस नं. पी/सी जी/2101204 दिनांक 25-1-93 को मूल सीमाशुल्क और मुद्रा नियंत्रण प्रतियाँ फर्म से खो गई अथवा गुम हो गई हैं। यथा संशोधित आयात (नियंत्रण) आदेश 1955 दिनांक 7-12-1955 को उपधारा 9(सीसी) के अन्तर्गत प्रदत्त अधिकारों का प्रयोग करते हुए मै. स्टैंडर्ड कार्मिगियल टूबैको प्रा. लि. को जारी की गई उक्त मूल सीमाशुल्क प्रयोजन प्रति नं. पी/सी जी/2101204 दिनांक 25-1-93 को एनड्रॉग रद्द किया जाता है।

3. उक्त लाइसेंस की सीमाशुल्क प्रयोजन प्रति और मुद्रा विनियम नियंत्रण प्रति पार्टी को अलग से जारी की जा रही है।

[मि.सं. 18/1536/ए. एन-93/ई पी सी जी-3/273]

माया डे. केम. उप महानिदेशक, विदेश व्यापार

ORDER

New Delhi, the 6th July, 1993

S.O. 1586.—M/s. Standard Commercial Tobacco Pvt. Ltd. D No. 8-24-31, Mangalagiri Road, Guntur-522001, were granted an import licence No. P/CG/2101204 dt. 15-1-93 for Rs. 1,38,94,098/- (Rupees One crore thirty eight lakhs ninety four thousand and ninety eight only) for import of Capital goods under FPCG Scheme.

The firm has applied for issue of Duplicate copies of Customs and Exchange control purposes copies of the above mentioned licence on the ground that the original Customs purposes and Exchange control copies of the licence has been lost or misplaced. It has further been stated that the Customs purposes and Exchange control copies of the licence was not registered with any Customs Authority and as such the value of Customs purpose copy has not been utilised at all.

2. In support of their contention, the licensee has filed an affidavit on stamped paper duly sworn in before a Notary public Guntur (A.P.). I am accordingly satisfied that the original Customs purposes and Exchange control copies of import licence No. P/CG/2101204 dt. 25-1-93 has been lost or misplaced by the firm, in exercise of the powers conferred under sub-clause (ccc) of the Import (Control) Order, 1955 dated 7-12-1955 as amended the said original Customs purposes copy No. P/CG/2101204 dt. 25-1-93 issued to M/s. Standard Commercial Tobacco Pvt. Ltd., is hereby cancelled.

3. A duplicate Customs purposes copy and Exchange control copy of the said licence is being issued to the party separately.

[F No. 18/1536/AM. 93/FPCG HL/273]
MAYA D. KEM. Dy. DGFT

मानव संसाधन विकास मंत्रालय

(शिक्षा विभाग)

नई दिल्ली, 28 जून, 1993

धर्मस्व निधि अधिनियम, 1890 के मामले में
और

राष्ट्रीय शिक्षक कल्याण प्रतिष्ठान के मामले में

का.आ. 1587.—जबकि संलग्न अनुसूची में विनिर्दिष्ट सम्पत्ति को भारत के लिए धर्मस्व निधियों के कोषाध्यक्ष के अधिकार में डालने के सम्बन्ध में भूतपूर्व शिक्षा मंत्रालय की 28 जून, 1962 की सरकारी अधिसूचना संख्या एन.ओ. 1955 के साथ प्रकाशित योजना के अनुसार एक आवेदन केन्द्रीय सरकार के पास भेजा गया है।

इसलिए अब धर्मस्व निधि अधिनियम, 1890 (1890 का 6) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा उपर्युक्त आवेदन पर एनड्रॉग का प्रयोग करते हुए यह निदेश है कि उक्त सम्पत्ति भारत के लिए धर्मस्व निधियों के कोषाध्यक्ष के अधिकार में आना जाणसी और यह भी निदेश है कि उक्त सम्पत्ति और इससे प्राप्त आय का उपयोग उपर्युक्त योजना में निर्धारित शर्तों के अनुसार किया जाएगा।

अनुसूची

150,00,000/- रु. की राशि (एक सौ पचास लाख रु. मात्र) राष्ट्रीय प्रतिष्ठान की ओर से शिक्षक कल्याण के लिए 5 वर्षों के सावधिक डाक जमा खाते में जमा, जमा 25 जुलाई, 1992 से लागू तथा 25 जुलाई, 1997 को 13.5% प्रति वर्ष की दर से ब्याज सहित देय।

[सं. एफ 8-4/89 एन.एफ.टी.डब्ल्यू]

नवेद मसूद, निदेशक

MINISTRY OF HUMAN RESOURCE DEVELOPMENT

(Department of Education)

New Delhi, the 28th June, 1993

In the matter of Charitable Endowments Act, 1890.

AND

In the matter of the National Foundation for Teachers' Welfare.

S.O. 1587.—Whereas an application has been made to the Central Government for vesting the property specified in the schedule appended hereto in the Treasurer of Charitable Endowments for India to be applied in accordance with the Scheme published with the notification of the Government of India in the late Ministry of Education, number S.O. 1955, dated the 25th June 1962;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 4 of the Charitable Endowments Act, 1890 (6 of 1890) and on the application as aforesaid, the Central Government hereby directs that the said property shall vest in the Treasurer of Charitable Endowments for India to be held by him and also directs that the said property and the income thereof shall be applied in accordance with the terms set out in the aforesaid Scheme.

SCHEDULE

A sum of Rs. 150,00,000/- (Rupees one hundred and fifty lakhs only) invested on behalf of the National Foundation for Teachers' Welfare in 5-year Post Office Time Deposit Account, the deposit being effective from the 25th July, 1992 repayable on the 25th July, 1997, with interest at the rate of 13.5 per cent per annum.

[No. F. 8-4/89-NFTW]

NAVED MASOOD, Director

नई दिल्ली, 30 जून, 1993

का.आ. 1588:—केन्द्रीय सरकार राजभाषा (संघ के सरकारी प्रयोजनों के लिए प्रयोग) नियम 1976 के नियम 10 के उप-नियम (4) के अनुसरण में मानव संसाधन विकास मंत्रालय (शिक्षा विभाग) के निम्नलिखित स्वायत्त संगठन को जिसमें 80% से अधिक कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है:—

1. अखिल भारतीय तकनीकी शिक्षा परिषद्,
डी-47, नई दिल्ली साउथ एक्सटेन्शन,
भाग-1, नई दिल्ली।

2. केन्द्रीय विद्यालय संगठन,
क्षेत्रीय कार्यालय, शिलचर संभाग,
शिलचर (असम)।

[सं. 11011-2/92-रा.भा.ए.]

रमेश कुमार आंगिरस, निदेशक (रा.भा.)

New Delhi, the 30th June, 1993

S.O. 1588.—In pursuance of Sub-rule (4) of Rule of 10 of the Official Languages (use for Official purpose of the Union) Rules 1976, the Central Government hereby notifies the following autonomous organisations of the Ministry of Human Resource Development (Deptt. of Education), more than 80% Staff of which has acquired working knowledge of Hindi :—

1. All India Council for Technical Education, D-47, N.D.S.E., Part-I, New Delhi.
2. Kendriya Vidyalaya Sangathan, Regional Office, Silchar Region, Silchar (Assam).

[No. 11011/2/92-O.L.U.]

R. K. ANGIRAS, Director (O.L.)

नई दिल्ली, 30 जून, 1993

का.आ. 1589 —केन्द्रीय सरकार राजभाषा (संघ के सरकारी प्रयोजनों के लिए प्रयोग) नियम 1976 के नियम 10 के उप-नियम (4) के अनुसरण में मानव संसाधन विकास मंत्रालय (शिक्षा विभाग) के अन्तर्गत निम्नलिखित केन्द्रीय विद्यालयों को, जिनमें 80% से अधिक कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है।

1. केन्द्रीय विद्यालय,
बी.ई.जी. डेक्कन कालेज रोड,
येरवडा, पुणे-411006.
2. केन्द्रीय विद्यालय,
जुनागढ़,
गुजरात।
3. केन्द्रीय विद्यालय,
सी.एम.ई.
पुणे।
4. केन्द्रीय विद्यालय,
नं. 2, सी.पी.ई.,
इटारसी (मध्य प्रदेश)

[सं. 11011-2/92-रा.भा.ए.]

रमेश कुमार आंगिरस, निदेशक (रा.भा.)

New Delhi, the 30th June, 1993

S.O. 1589 In pursuance of Sub rule (4) of Rule 10 of the Official Languages (use for Official purposes of the Union) Rules, 1976, the Central Govt. hereby notifies the following Kendriya Vidyalayas under the Ministry of Human

Resources Development (Deptt. of Education), more than 80% Staff of which has working knowledge of Hindi :

1. Kendriya Vidyalaya,
B.E.G., Deccan College Road,
Yarwade, Pune-411006.
2. Kendriya Vidyalaya,
Junagarh,
Gujarat.
3. Kendriya Vidyalaya,
C.M.E.
Pune.
4. Kendriya Vidyalaya,
No. 2, C.P.E.,
Itarasi (M.P.)

[No. 11011/2/92-O.L.U.]
R.K. ANGIRAS, Director (O.L.)

विद्युत मंत्रालय

नई दिल्ली, 8 जुलाई, 1993

का.आ. 1590.—सार्वजनिक स्थान (अप्राधिकृत अधि-भोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा-3 के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा नीचे दी गई तालिका के कालम (1) में उल्लिखित एक सांविधिक प्राधिकरण, राष्ट्रीय ताप विद्युत निगम के अधिकारी जोकि भारत सरकार के राज-पत्रित अधिकारी के समकक्ष हैं, को कथित अधिनियम के प्रयोजनों के लिए सम्पदा अधिकारी नियुक्त करते हैं जोकि उल्लिखित तालिका के कालम-2 में सम्बन्धित प्रविष्टि में निर्दिष्ट सार्वजनिक स्थानों की श्रेणियों के बारे में अपने सम्बन्धित अधिकार क्षेत्र की स्थानीय सीमाओं के अन्तर्गत कथित अधिनियम के द्वारा अथवा उसके अन्तर्गत सम्पदा अधिकारी को प्रदत्त की गई शक्तियों का उपयोग कर सकेगा और सम्पदा अधिकारी को सौंपे गए कर्तव्यों का पालन करेगा।

तालिका

अधिकारी का नाम तथा पदनाम	सार्वजनिक स्थानों की श्रेणियां तथा क्षेत्राधिकार की स्थानीय सीमाएं
1	2
1. श्री डी.एस. राय, वरिष्ठ कार्मिक अधिकारी, कवास गैस विद्युत परि- योजना, गुजरात।	वे सभी परिसर जोकि राष्ट्रीय ताप विद्युत निगम लि. के स्वामित्व में हैं अथवा उसके द्वारा लीज पर लिए गए हैं तथा उसकी कवास गैस विद्युत परियोजना के प्रशासनिक नियंत्रण में अवस्थित नगर,

1	2
	चौर्यासी-प्रान्त, जिला सूरत, गुजरात पिन-394516 में अवस्थित हैं।
2. श्री आर.एस. शर्मा, वरिष्ठ विधि अधिकारी, फरक्का सुपर ताप विद्युत परियोजना, प. बंगाल।	वे सभी परिसर जो कि राष्ट्रीय ताप विद्युत निगम लि. के स्वामित्व में हैं अथवा उसके द्वारा लीज पर लिए गए हैं तथा उसकी फरक्का सुपर ताप विद्युत परियोजना के प्रशासनिक नियंत्रण में पो. आ. नबासन, जिला मुर्शिदाबाद, पश्चिम बंगाल, पिन-742236 में अवस्थित हैं।
3. श्री ए. चिदम्बरम, उप प्रबन्धक, (कार्मिक तथा प्रशासन- औद्योगिक सम्बन्ध) तालचेर सुपर ताप विद्युत परियोजना, उड़ीसा।	वे सभी परिसर जो कि राष्ट्रीय ताप विद्युत निगम लि. के स्वामित्व में हैं अथवा उसके द्वारा लीज पर लिए गए हैं तथा उसकी तालचेर सुपर ताप विद्युत परियोजना के प्रशासनिक नियंत्रण में पो. आ. कानिहा (बाया) ताल-चेर, जिला-खेनकनाल, उड़ीसा पिन-759117 में अवस्थित हैं।
श्री टी.सी. श्रीनिवास, वरिष्ठ प्रबन्धक (कार्मिक) कोरबा सुपर ताप विद्युत परि. मध्य प्रदेश।	वे सभी परिसर जो कि राष्ट्रीय ताप विद्युत निगम लि. के स्वामित्व में हैं अथवा उसके द्वारा लीज पर लिए गए हैं तथा उसकी कोरबा सुपर ताप विद्युत परियोजना के प्रशासनिक नियंत्रण में हैं तथा पो.आ. प्रगति नगर, कोरबा, जिला-बिलासपुर (मध्य प्रदेश), पिन-495450 में अवस्थित हैं।
5. श्री बी.पी. अस्थाना, प्रबन्धक (कार्मिक तथा प्रशा.) फिरोज गांधी ऊंचाहार ताप विद्युत परियोजना, उत्तर प्रदेश।	वे सभी परिसर जोकि राष्ट्रीय ताप विद्युत निगम लि. के स्वामित्व में हैं अथवा उसके द्वारा लीज पर लिए गए हैं, तथा फिरोजगांधी ऊंचाहार ताप विद्युत परियोजना के प्रशासनिक नियंत्रण में हैं तथा पो.आ. ऊंचाहार, जिला-रायबरेली (उत्तर प्रदेश) पिन-229406 में अवस्थित हैं।

1	2
6. श्री मोहिन्द्र सिंह, उप प्रबन्धक (प्रशा.), सिंगरौली सुपर ताप विद्युत परियोजना, उत्तर प्रदेश।	ये सभी परिसर जो कि राष्ट्रीय ताप विद्युत निगम लि. के स्वामित्व में हैं अथवा उसके द्वारा लीज पर लिए गए हैं तथा सिंगरौली सुपर ताप विद्युत परियोजना के प्रशास- निक नियंत्रण में हैं तथा पो. आ.-शक्ति नगर, जिला-सोन- भद्रा, (उत्तर प्रदेश), पिन- 231222 में अवस्थित हैं।

[एफ. सं. 8/6/92-यूएस (सीटी)]

टी.पी. राधाकृष्णन, अव्वर सचिव

MINISTRY OF POWER

New Delhi, the 8th July, 1993

S.O. 1590 :—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the officers mentioned in column (1) of the Table below, being officers of, the National Thermal Power Corporation, a statutory authority, and equivalent to the rank of gazetted officers of the Government of India, to be estate officers for the purpose of the said Act, who shall exercise the powers conferred, and perform the duties imposed on estate officers by or under the said Act, within the local limits of their respective jurisdiction in respect of the categories of public premises specified in the corresponding entry in column (2) of the said table.

TABLE

Name and designation of officer	Categories of public premises and local limits of jurisdiction
(1)	(2)
1. Shri D.S. Rao, Senior Personnel Officer, Kawas Gas Power Project, Gujarat.	All premises belonging to, or taken on lease, by the National Thermal Power Corporation Limited and under the administrative control of its Kawas Gas Power Project at Aditya Nagar, Choryasiprant, District Surat, Gujarat, PIN : 394 516.
2. Shri R.S. Sharma, Senior Law Officer, Farakka Super Thermal Power Project, West Bengal.	All premises belonging to, or taken on lease, by the National Thermal Power Corporation Limited and under the administrative control of its Farakka Super Thermal Project at P.O. Nabarun, District Murshidabad, West Bengal, PIN : 742 236.
3. Shri A. Chidambaram, Deputy Manager (Personnel & Adminis- tration-Industrial	All premises belonging to, or taken on lease, by the National Thermal Power Corporation Limited and under the

1	2
Relations), Talcher Super Thermal Power Project, Orissa.	administrative control of its Talcher Super Thermal Project at P.O. Kallikata, Talcher, District Dhenkanal Orissa, PIN : 759 117.
4. Shri T.C. Srinivas, Senior Manager (Personnel), Korba Super Thermal Power Project, Madhya Pradesh.	All premises belonging to or taken on lease, by the National Thermal Power Corporation Limited and under the administrative control of its Korba Super Thermal Project at P.O. Pragati Nagar, Korba, District Bilaspur (Madhya Pradesh), PIN - 495 450.
5. Shri V.P. Asthana, Manager (Personnel & Administration), Feroz Gandhi Unchahar Thermal Power Project, Uttar Pradesh.	All premises belonging to, or taken on lease, by the National Thermal Power Corporation Limited and under the administrative control of its Feroz Gandhi Unchahar Thermal Power Project at P. O. Unchahar, District Rae Bareilly (Uttar Pradesh), PIN : 229 406.
6. Shri Mohinder Singh, Deputy Manager (Administration), Singrauli Super Thermal Power Project, Uttar Pradesh.	All premises belonging to, or taken on lease, by the National Thermal Power Corporation Limited and under the administrative control of its Singrauli Super Thermal Power Project at P.O. Shakti Nagar, District Sonbhadra (Uttar Pradesh), PIN : 231 222.

[F. No. 8/6/92-US(CT)]

T. P. RADHAKRISHNAN, Under Secy.

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 6 जुलाई, 1993

का.आ. 1591 :—यतः पेट्रोलियम और खनिज पाइप-लाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. आ. सं. 2841 तारीख 14-11-92 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

जी एन एक्ट से 'टी' बिंदु तक पाइप लाइन बिछाने के लिए।
राज्य : गुजरात जिला : भरूच तालुका : जम्बूर

गांव	ब्लाक नं.	हे.	आर.	से.
कलक	358	00	20	10
	360	00	11	70
	369	00	00	48
	363	00	11	31
	364	00	02	30
	366	00	00	90
	365	00	13	50
	388	00	39	48
	384	00	16	50
	383	00	06	90
	330	00	09	00
	329	00	16	80
	328	00	09	30
	305	00	27	66
	304	00	08	25
	242	00	24	30
	239	00	16	50
	252	00	10	12
	251	00	01	44
	254	00	11	90
	255	00	10	60
	256	00	06	66
	229	00	04	20
	228	00	11	60
	227	00	23	40
	197	00	20	25
	204	00	13	65
	209	00	00	40
	205	00	10	60
	203	00	05	70

गांव	ब्लाक नं.	हे.	आर.	से.
कलक जारी	185	00	06	30
	178	00	20	10
	628	00	22	35
	631	00	30	20
	630	00	00	50
	632	00	06	50
	606	00	29	25
	639	00	14	70
	642	00	32	70
	670	00	16	65
	668	00	19	00
	667	00	05	25
वांसेटा	7	00	06	00
	6	00	26	40
	5	00	11	55
	3	00	11	25
	2	00	09	00
	296	00	13	50
महापुरा	200	00	28	52
	201	00	10	20
	194	00	06	30
	188/ए	00	24	60
	193	00	11	40
	192	00	06	90
	191	00	03	60
	190	00	03	30
	198	00	19	50
	188/बी	00	15	30
	122	00	39	00
	121	00	13	80
	93	00	06	30
	119	00	07	38
	117	00	13	20
	115	00	15	60
	101	00	15	50

[सं. O-12016/80/92/ओ एन जी-डी-IV]

एम. मार्टिन, डैस्क अधिकारी

MINISTRY OF PETROLEUM & NATURAL GAS

New Delhi, the 6th July, 1993

S.O. 1591.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S. O. No. 2841 dated 14-11-92 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Govern-

ment declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification hereby acquired for laying the pipeline.

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline.

And further in exercise of the power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from GNAQ to 'T' Point

State : Gujarat Dist : Bharuch Taluka : Jambusar

Village	Block No.	Hectare	Are	Centi-are
1	2	3	4	5
Kalak	358	00	20	10
	360	00	11	70
	369	00	00	48
	363	00	11	31
	364	00	02	30
	366	00	00	90
	365	00	13	50
	388	00	39	48
	384	00	16	50
	383	00	06	90
	330	00	09	00
	329	00	16	80
	328	00	09	30
	305	00	27	66
	304	00	08	25
	242	00	24	30
	239	00	16	50
	252	00	10	12
	251	00	01	44
	254	00	11	90
	255	00	10	60
	256	00	06	66
	229	00	04	20
	228	00	11	60
	227	00	23	40
	197	00	20	25
	204	00	13	65
	209	00	00	40
	205	00	10	60
	203	00	05	70
	185	00	06	30
	178	00	20	10
	628	00	22	35
	631	00	30	20
	630	00	00	50
	632	00	06	50
	606	00	29	25
	639	00	14	70
	642	00	32	70

1	2	3	4	5
	670	00	16	65
	668	00	19	00
	667	00	05	25
Vaceta	7	00	06	00
	6	00	26	40
	5	00	11	55
	3	00	11	25
	2	00	09	00
	296	00	13	50
Mahapara	200	00	28	52
	201	00	10	20
	194	00	06	30
	188/A	00	24	60
	193	00	11	40
	192	00	06	90
	191	00	03	60
	190	00	03	30
	198	00	19	50
	188/B	00	15	30
	122	00	39	00
	121	00	13	80
	93	00	06	30
	119	00	07	38
	117	00	13	20
	115	00	15	60
	101	00	15	50

[No. O-12016/80/92-ONG. D-IV]

M. MARTIN, Desk Officer

नई दिल्ली, 6 जुलाई, 1993

का.आ. 1592 .—यतः पेट्रोलियम और खनिज पाइप लाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.आ.सं. 2844 तारीख 14-10-92 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के लिए एतद्द्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

जी.जी.एस. 5 से जी.सी.एस. कलोल तक पाइपलाइन बिछाने के लिए।

राज्य : गुजरात जिला : महेसाणा तहसील : कलोल

गांव	ब्लोक न.	हेक्टर	आर. सेंटीआर
छत्राल	623	0	15 40
	624	0	41 80

[सं. O-12016/83/92/ओएनजी-डी-IV]

एम. मार्टिन, डेस्क अधिकारी

New Delhi, the 6th July, 1993

S.O. 1592.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S. O. No. 2844 dated 14-10-92 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of the power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline From GGS-5 to GCS Kalol

State : Gujarat District : Mehsara Taluka : Kalol

Village	Block No.	Hectare	Are	Centiare
Chhatral	623	0	15	40
	624	0	41	80

[No. O-12016/83/92-ONG.D-IV]

M. MARTIN, Desk Officer

नई दिल्ली, 6 जुलाई, 1993

का.आ. 1593.—यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.आ. सं. 2847 तारीख 14-10-92 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है;

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के लिए एतद्द्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

उत्तर कड़ी से सरखेज तक पाइप लाइन बिछाने के लिए।

राज्य : गुजरात जिला : अहमदाबाद तालुका : सोनव

गांव	ब्लॉक नं	हेक्टेयर	आर. सेंटीयर
तेलाव	39	0	01 25
	40	0	33 00
	38	0	01 80
	42/2	0	15 20
	42/1	0	15 20
	43	0	33 80

[सं. O-12016/86/92/ओएनजी-डी-IV]

एम. मार्टिन, डेस्क अधिकारी

New Delhi, the 6th July, 1993

S.O. 1593.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S. O. No. 2847 dated 14-10-92 under sub-section (1) Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in

lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands shall instead of vesting in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of the power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from North Kadi to Sarkhej

State : Gujarat District : Ahmedabad Taluka : Sanand

Village	Block No.	Hect- are	Acre	Centi- are
1	2	3	4	5
Telav	39	0	01	25
	40	0	33	00
	38	0	01	80
	42/2	0	15	20
	42/1	0	15	20
	43	0	33	80

[No. O-12016/86/92-ONG.D-IV]
M. MARTIN, Desk Officer

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य विभाग)

नई दिल्ली, 2 जुलाई, 1993

का.ग्रा. 1594.—केन्द्रीय सरकार, भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 11 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय आयुर्विज्ञान परिषद् से परामर्श करने के पश्चात्, उक्त अधिनियम की प्रथम अनुसूची में निम्नलिखित और संशोधन करती है, अर्थात् :—

उक्त अनुसूची में :

(i) “अलीगढ़ मुस्लिम विश्वविद्यालय” शीर्षक के नीचे, विद्यमान प्रविष्टियों के पश्चात् निम्नलिखित प्रविष्टि अंत में जोड़ी जाएगी, अर्थात् :—

“डॉक्टर ऑफ मेडिसिन (शरीर क्रिया विज्ञान) . . . एम. डी. (श.क्रि.वि.),

(ii) “दिल्ली विश्वविद्यालय” शीर्षक के नीचे, विद्यमान प्रविष्टियों के पश्चात् निम्नलिखित प्रविष्टि अंत में जोड़ी जाएगी, अर्थात् :—

“डॉक्टर ऑफ मेडिसिन (विकिरण चिकित्सा) . . . एम.डी. (विकिरण चिकित्सा)”;

(iii) “कर्नाटक विश्वविद्यालय” शीर्षक के नीचे, विद्यमान प्रविष्टियों के पश्चात् निम्नलिखित प्रविष्टि अंत में जोड़ी जाएगी, अर्थात् :—

“डॉक्टर ऑफ मेडिसिन (विकृति विज्ञान) . . . एम.डी. (वि.वि.)” और

(iv) “मंगलूर विश्वविद्यालय” शीर्षक के नीचे, विद्यमान प्रविष्टियों के पश्चात् निम्नलिखित प्रविष्टि अंत में जोड़ी जाएगी, अर्थात् :—

“मास्टर ऑफ सर्जरी (जनन-मूल शल्य विज्ञान) एम.डी.एच. (ज.मू.श.वि.)” ।

[सं. बी.-11015/9/93-एम.ई. (यू.जी.)]

आर. विजय कुमारी, डेस्क अधिकारी

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health)

New Delhi, the 2nd July, 1993

S.O. 1594.—In exercise of the powers conferred by sub-section (2) of Section 11 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government after consulting the Medical Council of India hereby makes the following further amendment in the First Schedule to the said Act, namely :—

In the said Schedule :

(i) under the heading “ALIGARH MUSLIM UNIVERSITY”, after the existing entries, the following entry shall be added at the end, namely :—

“Doctor of Medicine (Physiology) . . . M.D. (Physiology)”

(ii) under the heading, “UNIVERSITY OF DELHI”, after the existing entries, the following entry shall be added at the end, namely :—

“Doctor of Medicine (Radio Therapy) . . . M.D. (Radio Therapy)” ;

(iii) under the heading, UNIVERSITY OF KARNATAKA” after the existing entries, the following entry shall be added at the end, namely :—

“Doctor of Medicine (Pathology) M.D. (Path)” ; and

(iv) under the heading, “MANGALORE UNIVERSITY”, after the existing entries, the following entry shall be added at the end, namely :—

“Master of Surgery (Genito-Urinary Surgery) . . . M. Ch. (Genito-Urinary Surgery)”.

[No. V-11015/9/93-ME (UG)]

R. VIJAYAKUMARI, Desk Officer

दूरसंचार विभाग

(कार्यालय मुख्य महाप्रबंधक दूरसंचार

जम्मू एवं कश्मीर परिमण्डल, जम्मू)

जम्मू, 5 जुलाई, 1993

का.आ. 1595—भारतीय तार नियम 1951 के नियम 434 के अनुभाग-2 पैरा (ए) जो दिनांक 8 मार्च 1960 को एस ओ संख्या 627 द्वारा लागू किये गये हैं के अनुसार में, मुख्य महाप्रबंधक, जम्मू तथा कश्मीर दूरसंचार परिमण्डल के अन्तर्गत 15-7-93 की तारीख बडगाम केन्द्रों पर परिमाणिक दर प्रणाली चालू करने के लिए विनिर्दिष्ट करते हैं।

[संख्या : 214-1/91/इंज/66]

ज्ञान चन्द, सहायक महाप्रबंधक दूरसंचार (ओ एवं सी)

DEPARTMENT OF TELECOMMUNICATIONS

(Office of the Chief General Manager Telecommunications
J&K Circle at Jammu)

Jammu, the 5th July, 1993

S.O. 1595.—In pursuance of Para (A) of Section III of Rule 434 of Indian Telegraph Rules 1951 as introduced by S.O. No. 627 dated 8th March, 1960, the Chief General Manager Telecom. hereby specifies 15-7-93 as the date on which the measured rate systems will be introduced in Badgam Telephone Exchanges under J&K Telecom Circle.

[No. 214-1/91/Eng./66]

GIAN CHAND, Asstt. General Manager
Telecom (O&C)

7. श्री एस. आर. राव (भारतीय नौवहन नियम)
8. कप्तान पी. के. देशपांडे (ग्रेट इस्टर्न शिपिंग कं. लि.)
9. कप्तान आर. बी. नारगंडकर (इस्सार शिपिंग कं. लि.)
10. कमो. एल. के. शर्मा (मोंबिल शिपिंग कं. लि. लंडन)
11. कप्तान एन. ए. हिरानंदानी (मेसर्स मेकनान भैकेजी एंड कं. लि.)
12. कप्तान ए. बात्रा, मेसर्स किनीक निक्सन (लि.)

पोत स्वामित्व का प्रतिनिधित्व करने वाले सदस्य.

13. डॉ. लियो बार्नस.
14. श्री यू. एम. अल्मेडा
15. श्री एस. मोईदो
16. श्री थोमस ग्रन्थोनी
17. श्री एस. टी. जोसेफ
18. श्री एस. डी. रेयनेकर

नाविकों का प्रतिनिधित्व करने वाले सदस्य.

नौवहन महानिदेशक और उप महानिदेशक प्रभारी नाविक रोजगार कार्यालय, बंबई, उपर्युक्त बोर्ड के क्रमशः अध्यक्ष और उपाध्यक्ष होंगे। निदेशक, नाविक रोजगार कार्यालय, बंबई उपर्युक्त बोर्ड के सदस्य सचिव होंगे।

[सं. 24 (1) सी.आर./90]

ए. कक्षन, उप महानिदेशक, (नौवहन)

जल भूतल परिवहन मंत्रालय

(नौवहन महानिदेशालय)

बम्बई, 6 जुलाई, 1993

(वाणिज्य पोत परिवहन)

का.आ. 1596.—वाणिज्य पोत परिवहन (नाविक रोजगार कार्यालय) नियम, 1986 के नियम 3 के साथ पठित, भारत सरकार, जल भूतल परिवहन मंत्रालय की अधिसूचना सं एस डब्ल्यू/एम डब्ल्यू एस-40/85-एमटी दिनांक 22 अप्रैल, 1988 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए नौवहन महानिदेशक इस अधिसूचना के शासकीय राजपत्र में प्रकाशन की तारीख से दो वर्ष की समयावधि के लिए बंबई पत्तन पर नाविक रोजगार बोर्ड (विदेशगामी) एतद्वारा स्थापित करते हैं। जिसमें निम्नलिखित सदस्य हैं, अर्थात्:—

1. नौवहन महानिदेशक
2. नौवहन उप महानिदेशक प्रभारी—
नाविक रोजगार कार्यालय, बंबई
3. श्रम आयुक्त, बंबई
4. शिपिंग मास्टर, बंबई
5. निदेशक, नाविक रोजगार कार्यालय, बंबई
6. पत्तन स्वास्थ्य अधिकारी, बंबई

सरकार का प्रतिनिधित्व करने वाले सदस्य

MINISTRY OF SURFACE TRANSPORT

(Directorate General of Shipping)

Bombay, the 6th July, 1993

(MERCHANT SHIPPING)

S.O. 1596.—In exercise of the powers conferred by Rule 3 of the Merchant Shipping (Seamen's Employment Offices) Rules, 1986 read with the Notification of the Government of India in the Ministry of Surface Transport No. SW/MWS-40/85-MT dated the 22nd April, 1988, the Director General of Shipping hereby appoints seamen's Employment Board (Foreign Going) at the Port of Bombay for a period of two years with effect from the date of publication of this notification in the Official Gazette, consisting of the following members namely:—

1. The Director General of Shipping
2. The Dy. Director General of Shipping, Incharge of Seamen's Employment Office, Bombay.
3. The Labour Commissioner, Bombay
4. The Shipping Master, Bombay
5. The Director, Seamen's Employment Office, Bombay.

Members representing Government

6. The Port Health Officer, Bombay
7. Shri S.R. Rao (Shipping Corporation of India Ltd).
8. Capt. P.K. Deshpande, (Great Eastern Shipping Co. Ltd.)

Members representing Ship owners

- | | |
|--|-----------------------------------|
| 9. Capt. T.V. Nargundkar (Essar Shipping Ltd.) | } Members representing Shipowners |
| 10. Commandar I.K. Sharma, (Mobil Shipping Co. Ltd.) | |
| 11. Capt. N.A. Hiranandani (Chevron Manning Services Ltd.) | |
| 12. Capt. A. Batra (Killick Nixon Ltd.) | |

- | | |
|-------------------------|--------------------------------|
| 13. Dr. Leo Barnes | } Members representing seamen. |
| 14. Shri U.M. Alemida | |
| 15. Shri M. Moidee | |
| 16. Shri Thomas Anthony | |
| 17. Shri M.T. Joseph | |
| 18. Shri M.D. Rethrekar | |

The Director General of Shipping and the Deputy Director General of Shipping incharge of the Seamen's Employment Office, Bombay shall respectively be the Chairman and the Vice-Chairman of the aforesaid Board. The Director, Seamen's Employment Office, Bombay shall be the Member Secretary of the aforesaid Board.

[No. 24(1)CR/90]

A. KANNAN, Dy. Director
General of Shipping.

श्रम मंत्रालय

नई दिल्ली, 30 जून 1993

का. आ. 1597.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसनसोल के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-6-93 को प्राप्त हुआ था।

[संख्या एल-12011/22/91-आई आर (बी-III)]

एस. के. जैन, डेस्क अधिकारी

MINISTRY OF LABOUR

New Delhi, the 30th June, 1993

S.O. 1597.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of India and their workmen, which was received by the Central Government on 29-6-1993.

No. L-12011/22/91-IR (B-III)

S. K. JAIN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, ASANSOL

Reference No. 34/91

PRESENT :

Shri N. K. Saha, Presiding Officer.

PARTIES :

Employers in relation to the management of State Bank of India.

AND

Their Workmen.

APPEARANCES :

For the Employers—None.

For the Workmen—Sri C. S. Mukherjee, Advocate.

INDUSTRY : Bank

STATE : West Bengal

Dated, the 17th June, 1993

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2-A) of Section 10. of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-12011/22/91-IR (B III) dated the 23rd August, 1991.

SCHEDULE

"Whether the action of the management of State Bank of India, Chitranjan Branch, Dist. Burdwan in deducting the wages for 21-9-90 in respect of S/Shri Joydev Pal, Saroj Dev and Sanjiv Mitra of the said Branch, was justified? If not, to what relief the concerned workmen are entitled to?"

2. Today (17-6-93) is the date for further hearing of the case. Sri C. S. Mukherjee the learned Advocate for the workmen is present. But none appears for the management. Sri Mukherjee submits that he has no instruction to proceed with the case. No workman is present today.

3. Considering the past conduct of the workmen it appears to me that they are no longer interested to proceed with the case. In such circumstances I have no other alternative but to pass a no dispute award. Accordingly a no dispute award is passed in this case.

Dated : 17-6-1993

N. K. SAHA, Presiding Officer

नई दिल्ली, 6 जुलाई, 1993

का. आ. 1598.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार लार्ड कृष्णा बैंक लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, कोल्लम के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-7-93 को प्राप्त हुआ था।

[संख्या एल-12012/134/92 आई आर (बी-III)]

एस. के. जैन, डेस्क अधिकारी

New Delhi, the 6th July, 1993

S.O. 1598.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Kollam as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Lord Krishna Bank Limited and their workmen, which was received by the Central Government on 5-7-1993.

[No. L-12012/134/92-IR (B-III)]

S. K. JAIN, Desk Officer

ANNEXURE

IN THE COURT OF THE INDUSTRIAL TRIBUNAL,
KOLLAM

(Dated, this the 7th day of June, 1993)

PRESENT :

Sri C. N. Sasidharan, Industrial Tribunal.

IN

Industrial Dispute No. 20/92

BETWEEN

The Chairman, Lord Krishna Bank Ltd. Central Office,
Post Bag No. 2, Kodungallur.

(By Sri Zakhir Hussain, Advocate, Kottayam)

AND

Sri R. Ramananda Kamath, Kootungal House, SMC/23,
East of Thirumalanada, Shertallai-688524.(By Sri M. Ramachandran and P. V. Abraham, Advocates,
Cochin)

AWARD

The Government of India as per Order No. L-12012/134/92-IR (B-III) dated 20-7-1992 has referred this industrial dispute to this Tribunal for adjudication the following issue :

"Whether the action on the part of the management of Lord Krishna Bank in dismissing the services of Sri R. Ramananda Kamath, Clerk, w.e.f. 15-6-1991 is legal and justifiable? If not, to what relief the workman is entitled to?"

2. In pursuance to notices issued from this Tribunal both sides entered appearance and the union filed its claim statement on 3-9-1992. Thereafter, though five adjournments were granted for the management for filing reply statement, the management has not filed their statement. The case was accordingly posted to 15-4-1993 as last chance for filing reply statement. On 15-4-1993, when the case was taken up, the management and their counsel remained absent. On behalf of the management an adjournment was sought by another counsel without stating any reason. Therefore the prayer for adjournment was rejected particularly on the ground that the case was posted as last chance. The case was then adjourned to 25-5-1993 for evidence of the union as requested by the union. On 25-5-1993 the counsel for the union submitted that an affidavit in support of the case of the union was being filed. Accordingly the case was closed for award. The union has filed an affidavit on 27-5-1993.

3. In the affidavit filed by the concerned workman in this dispute he has averred that he was charge sheeted for certain alleged misconducts that he was not given any opportunity to peruse the relevant documents before submitting his explanation that he was not paid subsistence allowance that he was denied opportunity to cross-examine the witness of management in the enquiry and also to examine witnesses on his side that the domestic enquiry was violative of principles of natural justice and that the findings of the enquiry officer are perverse and unsustainable. The further averment is that he is not guilty of any misconduct and that he is entitled to be reinstated in service with all consequential benefits. In the absence of contest I accept the averments of the workman and hold that he is not guilty of any misconduct and the management has terminated his services illegally and therefore he is entitled to be reinstated in service.

4. In the result, an award is passed holding that the action of management in dismissing the service of the workman Sri Ramananda Kamath with effect from 15-6-1991 is illegal and unjust and directing the management to reinstate the workman in the service of the management with all consequential benefits.

C. N. SASIDHARAN, Industrial Tribunal

नई दिल्ली, 8 जुलाई, 1993

का. आ. 1599.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक आफ पटियाला के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण श्रम न्यायालय चण्डीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-7-93 को प्राप्त हुआ था।

[संख्या एल-12012/727/87 डी II (ए)]

एस. के. जैन, डेस्क अधिकारी

New Delhi, the 8th July, 1993

S.O. 1599.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of Patiala and their workmen, which was received by the Central Government on 7-7-1993.

[No. L-12012/727/87-D.II(A)]

S. K. JAIN, Desk Officer

ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, CHANDIGARH

Case No. I.D. 22/88

Puran Dass Vs. State Bank of Patiala
For the workman—Shri Ashwani Kumar Sharma,
For the management—Shri N. K. Zakhmi.

AWARD

Central Government vide Gazette Notification No. L-12012/727/87-D.II (A) dated 8th April, 1988 issued U/S 10(1)(d) of the I. D. Act 1947 referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of State Bank of Patiala in dismissing from service Shri Puran Dass, Peon/watchman at their Khaltee (Solani) HP w.e.f. 4-9-1986 is justified? If not, to what relief is the workman entitled?"

2. It has been alleged the statement of claim that he was working as peon/watchman at the Khaltoo branch of State Bank of Patiala and also member of the Union. His work and conduct was quite satisfactory without any complaint. He was issued charge-sheet on 26-12-1984 by Regional manager on three charges :

First that on 23-7-1982 he took a sum of Rs. 300 and the same amount was not deposited in any account. Secondly he took money from customers and did not deposit in the concerned accounts. Thirdly he remained on leave in an unauthorized manner. He filed reply to the charge sheet denying the charges and the enquiry officer was also appointed who without going into the merits of the case gave a report against him. The Regional Manager illegally dismissed him from service on 4-9-1986. Order of the disciplinary authority is also illegal and against the principle of natural justice. He filed an appeal which was also dismissed by the Zonal Manager. It is further alleged that the charge sheet enquiry proceedings, enquiry report, dismissal order and order of the appellate authority are null and void.

It is further that this is a case of no evidence as the account holder in whose pass book the amount of Rs. 300 is alleged to have been entered has not been produced. No handwriting expert was examined. The evidence of Mr. B. K. Mehta can not be relied upon as he is tutored witness. It is further alleged that complaint of said Barfi Devi was duly written by G. C. Gautam as deposed by Shri Mehta and her signatures were obtained on the guidelines of Shri Gautam, Head Cashier whom he was not having good relations. It is further alleged that Barfi Devi has not been produced. It was further alleged that Shankru Ram and Roshan Lal were not produced from whom it has been alleged that he has taken a loan. It is further alleged that Kali Ram has also not produced from whom it has been alleged that Rs. 1,000 was taken. It is further alleged that as regard to the charge of borrowing of money from Tulsi Ram and Kapur Singh, Biru Ram, Hakam Singh, Biru Ram was not cited in the list of witnesses and the evidence of the other persons are not relevant. It is further alleged that report of the preliminary investigation done by Rajinder Kumar is also not in accordance with law. It is further alleged that on Sewa Ram employees of the said branch was also cited as prosecution witness also did not support the management's case. It is further alleged that Sewa Ram gave the statement under the influence of O. P. Arora banks' representative since Sewa Ram was under suspension and in that case Mr. Arora is representing the bank. It is further alleged that evidence of Kapur Singh is also meaningless. It is further alleged that the evidence of Mr. P. C. Gautam also not relevant being hostile towards the petitioner. It is further alleged that the enquiry was defective as no concerned witness relevant to the charge sheet was produced by the bank. The maker of the complaint was also not produced. It is also pleaded that the charge of remaining on unauthorised leave, he has been proceeding on leave with due permission of the manager and no prior sanction used to be obtained by any of the staff member for proceeding on privilege leave. The said leave is lying at the credit of the workman and there is no reason for declining the same. With regard to the charge of taking loan the management produced only one witness who is the money lender and known to the workman much prior to joining the bank service. It is further alleged that appellate authority committed an illegality while not meeting all the points raised by the workman. Action of the authority is harsh. It is further alleged that an amount of Rs. 300 is so small that dismissal from service is not warranted at all when in many instances the employees have been retained in service after ordering the recovery of the amount in dispute. It is thus prayed he be reinstated with continuity in service, full back wages and with all benefits.

3. Respd. management contested the claim and filed written statement. Preliminary objection has been taken that the applicant is guilty of serious act of misconduct. He did not reply to the charge sheet within stipulated period. Action of the respd. bank is legal just and proper. The petitioner has exhausted all the departmental channels of appeal and the appellate authority after considering all the documents upheld the punishment of dismissal. On merits, averments made in the claim statement were denied except the dates on which the proceedings were held. It is pleaded that the petitioner was served with charge sheet on 26-12-1984 of certain acts of misconduct. Enquiry Officer conducted the enquiry in a fair and proper manner and full opportunity was given to the workman and found the workman guilty of charges. The disciplinary authority inflicted punishment after duly issuing a show cause notice and considered reply to the said show cause notice. No principle of natural justice has been violated. It is further pleaded that the appeal of the petitioner was dismissed by the Appellate authority on 16-2-1987, after considering all the facts and circumstances. Thus the order dismissing the petitioner is just, legal and valid. It is further pleaded that a complaint was received from Barfi Devi on 23-3-1982 on her visit for depositing Rs. 300 in her SB account No. 1723. The petitioner took the amount from her but did not deposit the same in her saving bank account and made fictitious entry in her pass book. In this behalf the petitioner made a confessional statement dated 9-11-1982. The said entry made in the pass book is clear to a naked eye. It is further pleaded that B. R. Mehta Manager has also admitted that the petitioner had admitted before him that workman had took the amount from Smt. Barfi Devi and when she insisted the amount was paid to her by Puran Dass. It is further pleaded that the petitioner was charge sheeted on the basis of preliminary investigation in which the report was submitted by Rajinder Kumar. It is also pleaded that the petitioner also admitted

before Rajinder Kumar having received Rs. 1,400 from Roshan Lal son of Shankru Ram account holder No. G/75. It is further pleaded that one Kali Ram also requested the branch manager to help him for getting Rs. 1,000. The said Kali Ram did not turn up at the enquiry inspite of being called time and again. It is further pleaded that the petitioner took loan of Rs. 2,070 from one Biru Ram, Rs. 500 from Hakam Ram, Rs. 200 from Tulsi Ram and Rs. 1,200 from Kapur Singh. It is further pleaded that the petitioner also admitted to having taken Rs. 1,200 from one Kapur Singh. It is further pleaded that departmental enquiry was conducted in accordance with the principle of natural justice and full opportunity was afforded and prayed for the dismissal of the reference.

4. Replication was also filed reiterating the same facts as contained in the claim statement.

5. The petitioner in support of his case examined himself as WW-1 and filed his affidavit Ex. W-1. The management got proved the documents Ex. M-1 the complaint, Ex. M-2 pass book of Barfi Devi, Ex. M-3 confessional statement, Ex. M-4 complaint of Shankru Ram Ex. M-5 complaint of Biru Ram, Ex. M-7 letter of Biru Ram, Ex. M-8 complaint of Kali Ram, Ex. M-9 and M-10 are preliminary statements, Ex. M-12 is the letter, Ex. M-13 letter and M-14 and M-15 letter issued by the bank. Petitioner produced Barfi Devi as WW-2 who filed her affidavit Ex. W-2. She admitted her signatures on Ex. M-1. She had denied of having given Rs. 300 to Puran Dass for depositing in the bank in the cross-examination.

The management produced Vinod Kumar Manager State Bank of Patiala who filed his affidavit Ex. M-16 and also relied on documents Ex. M-15 to M-20. The workman also got proved documents Ex. W-3 to W-5. Documents Ex. M-5 and M-11 are not exhibited and the parties closed their evidence.

I have heard both the parties, gone through the evidence and record.

Representative appearing on behalf of the workman has not contested this case on merits and has only prayed for the intervention of this Court with regard to the punishment U/S 11-A of the I. D. Act 1947. In this connection he has pointed out that to remain on leave on unauthorised manner and taking loans for personal use are not gross misconduct and does not attract the punishment of dismissal. He has also pointed out that only charge of Rs. 300 relating to Barfi Devi being amount not deposited in the account has also supported the case of the petitioner. While appearing as WW-2 stating that she had not given Rs. 300 to the petitioner for making the deposit in the bank. He has also pointed out that amount is too meagre to attract the said heavy punishment in support of his argument he has also stated that this is the solitary incident. He has also stated that he has put in 6/7 years of service.

I have perused the averment made by the rep. of the petitioner. There is substance in this arguments. The present petitioner has already put in more than 6/7 years of service. Present incident of Rs. 300 is the only solitary incident attracting gross misconduct otherwise the petitioner possess unblemished record of service and there is no evidence of any past act of gross misconduct hanging over his head. There is also no wrongful loss to the respd. bank. The present act is a beneficial piece of legislation enacted in the interest of the employees. In construing the provisions of a welfare legislation Courts should adopt a beneficial rule of construction. If two constructions are reasonably possible, the construction which furthers the policy and object of the Act and is more beneficial to the employees, has to be preferred. Further, the object of the Act is to safeguard the service conditions of the employees. It, therefore, demands a liberal interpretation.

Present incident pertains to year 1982. The petitioner was dismissed from service in September 1986. He has already suffered agony of facing departmental proceedings and a long trial. Justice must be tempered with mercy and the erring workman should be given the opportunity to reform himself are the principle which should be kept in mind while dealing with punitive action taken against the workman and due credit should be given to his mercy. Following the decision laid down in AIR 1984 S.C. 355 Jaswant Singh Vs. Pepsu Road Transport Corpn. and 1990 LIC 1531 MD Orissa Agro Industries Corporation Vs. Bhim Sain Mathanty and others and taking overall view of the matter it would be adequate

if punishment of dismissal be substituted with stoppage of seven increments with cumulative effect, however with continuity of service. The petitioner shall not be entitled for back wages at all. The management is directed to reinstate the petitioner within four weeks from the date of publication of this award and his pay should be fixed in view of the substituted punishment. With this modification in the punishment the award is returned to the Ministry.

Chandigarh,
Camp at Shimla,
Dated : 23-4-1993.

ARVIND KUMAR, Presiding Officer

नई दिल्ली, 2 जुलाई, 1993

का. आ. 1600.—केन्द्रीय सरकार ने यह समाधान हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 2 के खंड (ड) के उपखंड (vi) के उपबंधों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का. आ. 198 दिनांक 11 जनवरी 1993 द्वारा करेन्सी नोट प्रेस, नासिक रोड खनन उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 14 जनवरी, 1993 से छह मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था,

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छह मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है,

अतः अब, औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 2 के खंड (ड) के उपखंड (vi) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 14 जुलाई 1993 से छह मास की और कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[सं. एस-11017/3/91-आई. आर. (पालिसी विधायी)]

एस. एस. पराशर, अव्वर सचिव

New Delhi, the 2nd July, 1993

S.O. 1600.—Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the provision of sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the notification of the Government of India, in the Ministry of Labour S.O. No. 198 dated the 11th January, 1993, the Currency Note Press, Nasik Road to be a public utility service for the purpose of the said Act, for a period of six months, from the 14th January, 1993.

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months;

Now therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of Section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purpose of the said Act, for a further period of six months from the 14th July, 1993.

[No. S-11017/3/91-IR(P)]

S. S. PRASHER, Under Secy.

नई दिल्ली, 2 जुलाई, 1993

का. आ. 1601.—केन्द्रीय सरकार ने यह समाधान हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (ड) के उपखंड (vi) के उपबंधों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या 49 दिनांक 21 दिसम्बर, 1992 द्वारा मैग्नेसाइट खनन उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 3 जनवरी, 1993 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था,

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छः मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है,

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (ड) के उपखंड (vi) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 3 जुलाई, 1993 से छः मास की और कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[फा.सं. एस. 11017/8/85-डी 1(ए)]

एस.एस. पराशर, अव्वर सचिव

New Delhi, the 2nd July, 1993

S.O. 1601.—Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the provision of sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the notification of the Government of India in the Ministry of Labour S.O. No. 49 dated the 21st December, 1992 the Magnesite Mining Industry to be a public utility service for the purposes of the said Act, for a period of six months, from the 3rd January, 1993.

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purpose of the said Act, for a further period of six months from the 3rd July, 1993.

[No. S-11017/8/85-D.I(A)]

S. S. PRASHER, Under Secy.

नई दिल्ली, 2 जुलाई, 1993

का. आ. 1602.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, सिण्डिकेट बैंक के प्रबन्तत्व के संवद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-6-93 को प्राप्त हुआ था।

[संख्या एन-12012/528/88-डी-2(ए)]

हरीश सी. गौड़, डैस्क अधिकारी

New Delhi, the 2nd July, 1993

S.O. 1602.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Syndicate Bank and their workmen, which was received by the Central Government on 29-6-93.

[No. L-12012/528/88-D.II(A)]

HARISH C. GAUR, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL AT HYDERABAD

PRESENT :

Sri Y. Venkatachalam, M.A. B.L., Industrial Tribunal.

Thirty first day of May nineteen hundred ninety three

Industrial Dispute No. 24 of 1989

BETWEEN :

Mrs. K. R. Ambika, W/o P. Balakrishnan Nair,

Hindu aged about 40 years unemployed,

Resident of H. No. 30-265/21/31

Plot No. 206 Radhakrishna Housing Society

A. S. Rao Nagar (Post) Hyderabad-500762

... Petitioner.

AND

The Asstt. General Manager, Syndicate Bank,

Industrial Relations Cell, 6-3-653

Somajiguda, Hyderabad.

... Respondent.

APPEARANCES :

Sri E. D. Nathan, President of the Council of A. P. Trade Unions and Vice President of the City Trade Union Council, Hyderabad for the workmen.

Sri K. Srinivasa Murthy, Miss G. Sudha and Mrs. Mitra Das, Advocate for the Management.

AWARD

The Government of India, Ministry of Labour, by its Order No. L-12012/528/88-D.II(A) dt. 10-3-1989 referred the following dispute under Section 10(1)(d) & (2A) of the Industrial Disputes Act, 1947 between the employer in relation to the Management of Syndicate Bank and their workmen to this Tribunal for adjudication :

"Whether the action of the management of Syndicate Bank in dismissing Smt. K. R. Ambika, Ex. Attender is justified ? If not to what relief is the workman entitled ?"

This reference was registered as Industrial Dispute No. 24 of 1989 and notices were issued to the parties.

2. The brief facts of the contents of the claim statement are as follows : The Petitioner was appointed as an Attender in the Respondent Bank on 11-6-1970. On satisfactory completion of the probationary period, the Petitioner has been confined in the post of Attender from 16-10-1970. The petitioner has been serving the Bank without any blemish whatsoever since then. On 19-10-1984 the Dy. General Manager of the Respondent Bank herein charge sheeted the Petitioner alleging inter alia that the Petitioner committed misconduct as per Clause 19.5(j) of the Bipartite Settlement on the allegations that the Petitioner received certain amounts from the customers of the Bank for depositing into cumulative deposit account opened by them with the Bank but the Petitioner did not credit the amount in their respective accounts but the Petitioner made certain alterations in the Pass Book that the entries made in the Pass Book are fictitious, false and the amounts were to be credited, that the Petitioner made unauthorised entries in the Pass Book. The Petitioner submitted explanation to the charges framed against her. The enquiry was held on 25th July, 1985 and the Respondent issued a notice to the Petitioner to show cause as to why the Petitioner should not be dismissed from service. Ultimately by an Order dated 27th June, 1985 the Respondent passed the dismissal order dismissing the workman from the Respondent Bank. By an order the Respondent informed the Petitioner that appeal against the said order would lie to the said Deputy General Manager. Accordingly the Petitioner preferred an appeal to the Deputy General Manager of the Bank. On 10th March, 1987 the Petitioner filed an appeal petition to the Managing Director of the Respondent Bank against the order of the

said Deputy General Manager dated 26th December, 1986. On 20th February, 1988 the Petitioner requested the Managing Director to pass an order on her said appeal petition, urged various additional grounds as set forth therein. The petitioner stated that she did not receive the alleged letter on 20th March, 1987 purporting to be the order passed by the Managing Director of the Respondent Bank. The order rejecting appeal petition of the petitioner as passed by the Managing Director of the Respondent Bank to the knowledge of the Petitioner only on or about 29th March, 1988. Thereupon the petitioner raised an industrial dispute. The charges levelled against the petitioner are not definite but are quite vague. The Management was not sure about the charges levelled against the workman. The workman denied all the reasonable opportunity during the course of domestic enquiry. The charges were framed by the Deputy General Manager of the Bank. The enquiry officer was appointed by the said Deputy General Manager. Hence it was incumbent upon the Enquiry Officer to submit the enquiry report and the enquiry proceedings to the said Deputy General Manager who is being disciplinary authority framed the charge. None of the customers who were named in the charge examined at the enquiry and it was in the absence of evidence, the enquiry officer found the Petitioner guilty of holding that the charges are made out. The said Deputy General Manager being the disciplinary authority having framed the charges having appointed the Enquiry Officer to enquire into the alleged charges and submitted the report who has no power or authority to hear and dispose of the appeal filed by the petitioner. The said Appellate Authority did not have an open mind in considering the said appeal. The said Dy. General Manager ought not have considered the appeal and ought to have, on the other hand, transmitted the appeal to the Managing Director of the Bank. As stated in the letter dated 25th February, 1988 of the Petitioner to the said Managing Director the appeal was filed in the light of what the Respondent herein had stated in the last para of his order dated 27th June, 1986 on the facts that the Petitioner filed an appeal to the Deputy General Manager and that the petitioner appeared in person before the Dy. General Manager did not lead to the inference either that the said Dy. General Manager had all the powers and authorities and jurisdiction to receive and consider the appeal or that the Petitioner surrendered to the jurisdiction of the said Dy. General Manager. The order of dismissal as passed by the Respondent herein and upheld by the Dy. General Manager and the Managing Director is without jurisdiction, illegal and arbitrary. The Respondent failed to notice that the misconduct was alleged to have committed by the Petitioner in 1981, whereas the Petitioner was charge-sheeted after a lapse of 3 years, that there has been no complaint whatsoever from any of the customers of the Bank, that the Petitioner has caused any loss to them or doubting the integrity or honesty of the Petitioner or that the Petitioner had indulged in any kind of malpractices are mischiefs much less the allegation as contained in the charge sheet. No loss much less financial loss of any kind whatsoever was caused or occasioned either to the Bank or to its customers including those named in the charge sheet. The order of dismissal is in violation of Clause 19.12(e) of the Bipartite Settlement inasmuch as the unblemished service put in by the petitioner for the last 15 years was not considered at all. The punishment of dismissal inflicted upon the petitioner is shockingly disproportionate. The order in the appeal petition to the Managing Director was not passed by the Managing Director but by the Personnel Manager as is evident from the order dated 20th March, 1987. The letter of the Personnel Manager dated 20th March, 1987 was not served on the petitioner at all. In any case as is apparent on the face of the record, the Personnel Manager has only communicated the conclusion arrived at by the Managing Director. The appeal of the Petitioner was not considered by the Managing Director but by the Personnel Manager. The Personnel Manager suo moto decided without placing the appeal-petition along with all the records before the Managing Director to issue the letter of 20th March, 1987. It is not understood what prevented the Personnel Manager in not passing on the detailed orders, if any. In the absence of a copy of the order of the Managing Director on the appeal petition of the petitioner, the petitioner is apt to believe that the Managing Director has not assigned any reason for deflecting the appeal of the petitioner. If factually and really the Managing Director has assigned the reason for rejecting the appeal of the petitioner, the Personnel Manager ought not have suppressed those reasons. The petitioner state that even the Managing Director failed to look into the Past unblemished service rendered by the

Petitioner to the bank and also to keep in mind the aforesaid authority of the Supreme Court. There is no monetary loss either to the Bank or to the customers. Ever since she was removed from service, she was unemployed and she failed to get any job anywhere. Therefore the Award may be passed finding that the dismissal order of the Management of his workman is illegal and direction may be given to the Respondent-Company to reinstate the workman with full back wages, continuity and all other attendant benefits.

3. On the other hand the Respondent filed the counter denying all the allegations levelled against the Petitioner. It is stated that with regard to the contention of the workman in paras 1 and 2 there is no need to reply as they are only formal. With regard to para No. 3 the contention of the workman that the Petitioner served the bank without any blemish whatsoever is not correct. It is not correct to contend that there is dishonesty intention, misappropriated and converted monies belonging to the customers into her own use of the workman is totally false. In fact the workman falsified the records of the Bank to show to the customers of the monies obtained from them were properly accounted for in the corresponding books of the Bank. In view of the highly objectionable and dishonest act of the petitioner, the image of the Bank was spoiled which resulted in the respondent management initiating disciplinary proceedings against her. The petitioner failed to submit her explanation in time. As such the Respondent Bank was left with no option but appoint Enquiry Officer. The Enquiry Officer followed the principles of natural justice. The Respondent contends that the allegations that the charges levelled against the Petitioner is vague is not correct, and it is not correct to state that the Management itself was not sure about the charge and also nature of allegations levelled is not correct. The Asstt. General Manager is not the competent authority for suing and to be sued, and it is only the Deputy General Manager. For mis-joinder of parties, the petition is liable to be dismissed. With reference to Ground (b) the allegation that a reasonable opportunity was denied for submitting the explanation to the charges levelled against her is totally false. Further allegation that before the Petitioner could submit the explanation to the alleged charges, the Deputy General Manager appointed the Enquiry Officer is totally false. Ample opportunity was given to the Petitioner to submit the explanation, after the Petitioner received the charge sheet. With reference to grounds (c) and (d), it is submitted that one side version has been given by the Petitioner to gain sympathy from this Hon'ble Tribunal and also challenged the enquiry proceedings. The enquiry was initially fixed the date on 17th June, 1985 and the notice was also served on the workman. At the instance of the Petitioner herself the said date was postponed twice but not once. Although the petitioner was given an advance intimation of date of enquiry she wilfully asked for extension of time which was readily granted by the Enquiry Officer. With regard to ground (g) it is respectfully stated that the Enquiry Officer was initially appointed by the Deputy General Manager of the Zonal Office on account of the subsequent re-organisation of the Zones, and the Asstt. General Manager happened to be the Head of the said Zone as well the Disciplinary Authority as mentioned in Circular No. 203/85/DC/MISC./7CM dated 16th July, 1985 and also the Circular No. 323/85, dated 15th October, 1985 the Enquiry Officer submitted his report to the Assistant General Manager, who was the then Disciplinary Authority as per the above circular. The allegation that none of the customers named in the charge sheet examined is not correct. It may be noticed that the documents concerned which are made fraudulent by the Petitioner were examined by the Management, basing on the documents evidence. The oral and oral evidence the Enquiry Officer gave his findings. With reference to para 9 in the allegation that the authority who has issued show cause notice was not competent and is not correct and in the case of the petitioner, only competent authority initiated the charges and management having gone through the entire record of enquiry and also past records of the employee, applied its mind and then passed the dismissal order. With reference to para 10 the petitioner herein misconstrued Clause 19. 14 of the Bipartite Settlement which clearly indicate that the Chief Executive of the bank is Chairman and Managing Director who designates the officers in the Bank as Disciplinary Authorities for workmen. Accordingly the Deputy General Manager was given powers to initiate the action in this case, according to the rules then in force and because of the reorganisation, this official got the powers to initiate the disciplinary action. With reference to para 12(a) the allegation that there are certain lapses on the part of the Management

is not correct. The petitioner has not chosen to make entry in the records. Only at the time of investigation and inspection of records, the Respondent came to know about it. This Respondent Bank itself was constrained to take 2 years' time to detecting the irregularities committed by this Petitioner. That cannot be taken as a ground to say that after a lapse of three years, the Management has issued the charge sheet. With reference to 12(b) the Management submitted that basing upon the records and inspections only, the Respondent Bank has issued the charge sheet. Simply because there is no complaint against the workman from the customers. It is not a ground for the workman to say that she is innocent. It is not necessary that in every case that the customers are given complaint with regard to malpractices and mischief. Whenever there are corresponding entries are not there in the ledgers and if there are omission and commissions it obviously indicates that the Bank cannot repose confidence on such employees. All the documents maintained are statutory records under the Banking Regulations. It may be noticed that the petitioner herein received an amount from the customers instead of depositing the same into their respective accounts she has conveniently deposited the same. The petitioner was not expected to hold money with her custody and subsequently deposit the amount as and when it is convenient to her. With regard to the past conduct of the Workmen, the Respondent contends that it is not necessary to look into the past records in all cases. Provided if the misconduct is serious in nature. In this case the misconduct is temporary misappropriation of fund, and therefore her past misconduct was not considered. With regard to disproportionate punishment when once the workman temporarily misappropriated the public fund by making false entries in the books and giving false information to the customers in such a case the customers will lose confidence in the Respondent-Bank. The proved misconduct on the part of the workman is temporary misappropriation of fund and also making false entries in the books which is a very serious matter and as such the Management thought fit that it is just and proper to award punishment of dismissal from service to meet the ends of justice. Therefore, the dismissal order passed by the Management is absolutely correct and the workman is not entitled for any kind of relief whatsoever and the Award may be passed accordingly.

4. On behalf of the workmen and also on behalf of the Management no oral evidence is adduced. By consent the domestic enquiry file was marked under Ex. M1 on behalf of the Management.

5. My predecessor by an Order dated 6-1-1992 gave finding that the domestic enquiry conducted against the workman by the Respondent-Management for the alleged misconduct in accordance with the principles of natural justice and it is valid.

6. The point for consideration is whether the action of the Management of Syndicate Bank in dismissing Mrs. K. R. Ambika, Ex-Attender is justified or not?

7. It is admitted fact that the workman in question was a permanent employee of the Respondent-Company and it is equally admitted fact that her past record in the Respondent-Company is clean unblemished and without any punishment and she did not even face any kind of enquiry during her past service. Now for the first time the Management charge sheeted the workman for the misconduct of falsifying the records and also temporary misappropriation of public fund i.e., the Petitioner workman received certain amount from the customers of the Bank for depositing into cumulative deposit account opened by them to the Bank. But the Petitioner did not credit the amount in their respective account of the customers and that the Petitioner made certain alterations in those pass books and that the entries made in the pass book are fictitious and that the amounts were credited by the Petitioner unauthorisedly in the pass book. It is further the charge against the workman that she kept the deposit amount in question and subsequently she made false entries in the deposit account books and made the customers believe that she credited the amount in the Respondent Bank correctly. When this fact has been brought to light, the Respondent-Management called for the explanation of the workman and ordered a domestic enquiry against the workman. One of the basis of the enquiry report the Respondent-management awarded the capital punishment of dismissal from service. The petitioner states that she has not received alleged letter of Deputy General Manager of the Bank under Order rejecting the appeal petition of the Petitioner as passed by the

Managing Director of the Respondent-Bank came to her knowledge only after lapse of time i.e. 29th March, 1988. Therefore she raised the dispute.

8. The following charges are framed against the workman : "The Petitioner has committed a misconduct as per Clause 19.5(j) of the Bi-partite Settlement on the allegations that the petitioner received certain amounts from the customers of the Bank for depositing into the Cumulative Deposit Accounts opened by them with the Bank but the petitioner did not credit the amount in their respective accounts, that the Petitioner made/caused to be made certain alterations in the Pass Books, the entries made in the Pass Books are fictitious/false, the amounts were credited/caused to be credited and the Petitioner made/caused to be authenticated the entries in the Pass Books."

At the very outset I would like to mention that as seen from the material available on records in the domestic enquiry it is found that the workman in question made some false entries in the C.D. Account books. It is significant to note that the educational qualification of the workman in question is a lady in 8th Class. All the entries in the C.D. Account Pass Book and also pay in slip columns are printed in English and they have to be filled in English. A lady who is having 8th standard qualification according to me is not capable of understanding such English from column to column and makes suitable answers by preparing false pay in slip. Moreover although there are several complaints involved in this case except one Aruna no other complaints were received by the Respondent-Management. It is another significant aspect to note that the workman in question is a part and parcel of the establishment of the Respondent management and she is not expected to handle pass books from depositing the amount in question. The pass book concerned totally relates to outsiders for remitting the cumulative deposits every month. It is the duty of either of the customers in question or through its agent but not through the workman in question. Suppose really the workman in question remitted the amount the Asstt. Cashier should receive the amount from her could have been at the earliest such notice that his co-workman is manipulated records and it will not be difficult for him to trace the fraud. Particularly when his co-workmen is involved. It was not done. The workman in question is an Attender of the Bank and it is not her duty to deposit the amount in question in the Respondent Bank or making the alleged entries. I would like to further mention that as seen from the entries domestic enquiry, there is no evidence on record that the amount in question for depositing C.D. amount in instalments to the workmen were entrusted to the workman by the customers. It is difficult to arrive at the conclusion that who paid the amount to the workman for depositing the same either the workman should pay the amount or through Agent should pay the amount to the workman. Unless the customer in question says that they have entrusted the money in question to the workman for depositing into the Bank in their C.D. Account or the amount was entrusted to the workman through the Agents, there is no proof to effect that the money in question was entrusted to the workman. The alleged payment of 60ps interest is by the customer himself or by his agent. The workman alone is not proved. In the absence of any positive proof, fixing the responsibility on the workman herself the workman gets the benefit of doubt.

9. In any way, there is no financial loss to the customers or to the Bank. I would like to further mention the amount in question with regard to temporary misappropriation or for falsifying record is only Rs. 20.00, Rs. 40.00, Rs. 60.00 not but Rs. 1,000.00 or else. Moreover there is no strict proof that the workman herself committed the offence. The workman who is working as Attender who passed 8th Class is not capable of writing English and making entries in the relevant records. The question of losing confidence by the public in the Bank does not arise as the workman who is working as Attender is not entrusted with the task of handling money such as either she is a Cashier or Deputy Cashier or an Accountant and she is not connected with any money dealings.

10. I would like to further mention that the law is clear that while awarding the nature of punishment it is the duty of the Respondent-Bank taking into account the gravity of the misconduct the previous record and other aggravating circumstances. In this case the gravity of the proved charge if any amounts to less than Rs. 100.00 which was not the loss either to the customer or to the Bank. The reputation or confidence among the public in the Bank is not loss. With

regard to the previous service of the workman in question, it is admitted fact that her previous record is clear and unblemished and she never faced any enquiry during her entire service. Therefore, I am clear opinion that the workman ought not to have committed the alleged offence. Therefore, I am clear opinion that the Respondent-Bank is not justified in awarding any punishment against the workman in question and she is entitled to get reinstatement with full back wages and with all other attendant benefits and continuity of service.

11. In the result, I find the action of the Management of Syndicate Bank in dismissing Smt. K. R. Ambika, Ex- Attender is not justified. The Respondent is directed to reinstate the workman with full back wages, with continuity of service and with all attendant benefits from time to time from the date of dismissal.

Award passed accordingly.

Dictated to the Stenographer, transcribed by him, corrected by me and given under my hand and the seal of this Tribunal, this the 31st day of May, 1993.

Y. VENKATACHALAM, Industrial Tribunal-I

Appendix of Evidence

Witnesses Examined for the Workmen :	Witnesses Examined for the Management :
NIL	NIL

Documents marked for the Management :

Ex. M1—Entire domestic enquiry file of Smt. K. R. Ambika.

by consent :

Documents marked for the Workmen :
NIL

नई दिल्ली, 7 जुलाई, 1993

का.आ. 1603 :— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, कनरा बैंक के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-7-93 को प्राप्त हुआ था।

[सं. एल-12012/666/87-डी-II ए]

एच.सी. गौड़, डेस्क अधिकारी

New Delhi, the 7th July, 1993

S.O. 1603.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Canara Bank and their workmen, which was received by the Central Government on 6-7-93.

[No. L-12012/666/87 DII-A]

HARISH C. GAUR, Desk Officer

ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER,
CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, CHANDIGARH

Case No. I.D. 48/88

Harjit Singh Bindra Vs. Canara Bank

For the workman—Shri O. P. Batra

For the management—Shri J. S. Shahpuri

AWARD

Central Govt. vide gazettee notification No. L-12012/666/87-D.II(A) dated 15th July, 1989 issued U/s. 10(1)(d) of the I.D. Act 1947 referred the following dispute to this Tribunal:

"Whether the action of the management of Canara Bank in dismissing Shri Harjit Singh Bindra, Cashier at NIT Branch at Faridabad w.e.f. 24-10-1983 is justified? If not, to what relief is the concerned workman entitled?"

2. It has been alleged in the statement of claim that while working at branch office NIT Faridabad as Cashier on 27-10-1978 he was falsely implicated on account of the shortage of Rs. 38000 and case U/S 408 of IPC was registered against him. He was arrested and ultimately convicted on 12-3-1983. He filed an appeal. Additional District Judge granted him probation U/S 4 of the Probation of Offenders Act on the condition that the workman should deposit a sum of Rs. 38000 with the bank towards the shortage. He deposited Rs. 38000 the alleged shortage and thus the bank had not suffered any loss. It is further alleged that during the pendency of the appeal he was dismissed from service on 24-10-1983 without affording any opportunity without framing any charges or holding any departmental enquiry by the Respd. management i.e. M/s. Lakshmi Commercial Bank (now amalgamated in Canara Bank). It is further alleged that order of termination dated 24-10-1983 is illegal, mala fide and against the canons of natural justice because the case of the petitioner was already under the purview of appellate court. It is further alleged that he being granted probation thus cast no stigma and thus the conviction recorded by the Court does not stand in the way and cannot be regarded as any ground for dismissal from service and the respd. bank should have reconsider his case after the release on probation. It is thus prayed that his dismissal be set aside and he be reinstated w.e.f. 25-10-1983 with full backwages and continuity of service.

3. The management in their written statement has contested the claim of the petitioner. Their stand is that the bank was within its right to dismiss the petitioner on the basis of the judgement to pass the order of dismissal, in connection with the Section 10 of the Banking Regulation Act 1949 which clearly lays probation of employment of any person who is or has been convicted by criminal Court of any offence involving moral turpitude. Therefore, keeping in view of the said provision there was no other option but to terminate the services of the petitioner. It is further pleaded that release of person under the Probation of Offender Act does not absolve him of the stigma of conviction and however does not alter the position as regarding the commission of offence. It is further pleaded that depositing of Rs. 30000 by the petitioner sufficiently prove the Commission of the Offence. It is further pleaded that that the petitioner was dismissed on the basis of the order of conviction by the competent Court. Thus no charge sheet was required to be issued. Therefore, claim merits dismissal.

4. Replication was also filed reasserting the claim made in the claim statement.

4. The petitioner has not led any evidence but however tendered documents Ex. W1 appointment letter, Ex. W2 dismissal order, Ex. W3 judgement of A.D.J. The Respd. management has not led any evidence.

5. I have heard both the parties, gone through the evidence and record.

6. Counsel appearing on behalf of the petitioner has argued that since the petitioner was released on probation which wipes out the disqualification attached to the conviction of an offence and thus he is entitled to reinstatement with full backwages with all consequential benefits. There is no merit in this contention. The judgement of the appellate Court Ex. W3 has been perused. As apparent in the last para of the said judgement the petitioner himself offered to pay an amount of Rs. 38000 to the bank and only on that score the petitioner was released on probation. In criminal trial the conviction is one thing and sentence is another. Departmental punishment for misconduct is third one. The Court while invoking the provisions 3 and 4 of the Act does not deal with the conviction it only deals with the sentence which the offender has to undergo. Instead of sentencing the offender, the Court releases him on probation of good conduct. The conviction however, remains untouched and the stigma of conviction is not obliterated. In the departmental proceedings the delinquent could be dismissed or removed or reduced in rank on the ground of conduct which led to his conviction on a criminal charge. Section 12 of the Act does not preclude the department from taking action for misconduct leading

to the offence or to his conviction thereon as per law. The section was not intended to exonerate the person from departmental punishment. Section 12 only thefts that the offender shall not suffer disqualification, if any, attaching to a conviction of an offence under such law".

For example, if a law provides for disqualification of a person for being appointed in any office keeping in view of his conviction, that disqualification by virtue of Section 12 stands removed. That in effect is the scope and effect of Section 12 of the Probation of Offenders Act. But that is not the same thing to state that the person who has been dismissed from service in view of his conviction is entitled to reinstatement upon giving the benefit of probation of good conduct.

8. Learned counsel also points out that he was dismissed without waiting the verdict of the appellate Court, where the appeal was pending. There is no force in this contention in view of the discussion made in the earlier paras he was dismissed in consonance to Section 10 of the Banking Regulation Act 1949 which lays prohibition of employment of any person who has or has been convicted by a criminal court of any offence involving moral turpitude.

9. In view of the discussion made in the earlier para and taking overall view of the situation and ratio laid down in Union of India Vs. Bakshi Ram 1990 S.C.C. (L&S) page 288 and in exercise of the powers U/S 11-A of the I. D. Act 1947, the punishment of dismissal from service is altered into 'removal from service'. In a way reference is disposed off and returned to the Ministry.

Chandigarh : 28-6-1992.

ARVIND KUMAR, Presiding Officer.

नई दिल्ली, 7 जुलाई, 1993

का.आ. 1604 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, भारतीय जीवन बीमा निगम के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुवृद्ध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, मुखेश्वर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-7-93 को प्राप्त हुआ था।

[सं. एल-17012/157/90 आई आर (बी-2)]

एच.सी. गौड़, डेस्क अधिकारी

New Delhi, the 7th July, 1993

S.O. 1604.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Bhubaneswar as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of LIC of India and their workmen, which was received by the Central Government on 6-7-93.

[No. L-17012/157/90-IR (B-II)]

HARISH C. GAUR, Desk Officer
ANNEXURE

INDUSTRIAL TRIBUNAL : ORISSA, BHUBANESWAR
PRESENT :

Sri R. K. Dash, LL.B., Presiding Officer, Industrial Tribunal, Orissa, Bhubaneswar.

INDUSTRIAL DISPUTE CASE NO. 5 OF 1991
(CENTRAL)

Dated, Bhubaneswar, the 22nd June, 1993

BETWEEN :

The management of Life Insurance Corporation of India, Rourkela Branch, Sector-19, Rourkela, Dist. Sundergarh—First party-management.

AND

Their workman Sri Paramananda Sahu, Ex-sub-staff, C/o Sr Nabin Ch. Sahu, Pump House, Bima Niwas, Sector-6, Rourkela 2, Dist. : Sundergarh--Second party--workman.

APPEARANCES :

Sri B. Nanda, Asst. Administrative Officer--For the first party--management.

Sri G. N. Panda, President of Sambalpur Division Life Insurance Employees Association--For the second party--workman.

AWARD

The Government of India in the Ministry of Labour in exercise of powers conferred upon them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) (For short 'Act') have referred the following dispute for adjudication by this Tribunal vide their Order No. L-17012/157/90-IR. B(II) dated 18-2-91 :--

"Whether the action of the management of Life Insurance Corporation of India, Rourkela Branch Office, Sector-19, Rourkela in terminating the services of Shri Paramananda Sahu, sub-staff with effect from 12-4-90 is lawful and justified? If not, to what relief the workman is entitled to?"

2. The case of the workman may succinctly be stated thus :--

The Senior Branch Manager, L. I. C. of India, Rourkela Branch engaged the workman as a sub-staff on daily wage basis on 30-9-85 and since then he continued to work till his services were terminated under office order dated 12-4-90. During the period of his employment for four and half years he had been paid bonus, house rent allowance as admissible to the permanent staff. Elaborating as to why his name was not considered for absorption as a permanent sub-staff, he has urged that the Apex Court in a dispute between the Corporation and other workers had put an embargo on recruitment of various posts till the matter was finally decided. Only after the embargo was withdrawn, the recruitment process started and at that time the General Secretary of the Union representing the Class-III and Class-IV staff of the Corporation of Sambalpur Division submitted a list of the daily and Badli workers for their absorption as regular sub-staff. The management considering such demand absorbed all except four including the present workman. The reason for not absorbing them, according to the management, was that they had crossed the prescribed age limit. To this, the workman contends that he was within the prescribed age limit. When he entered service and continued to work to the best satisfaction of the management for four and half years. Had the interview been conducted before he crossed the age limit, the management could not have refused him employment in the regular post of a sub-staff. So, he can not be blamed for his crossing the age limit when the interview was held. In the circumstance, the management should have exercised its discretion and relaxed the age limit as he was in the employment of the management for four and half years. But instead, it illegally and arbitrarily terminated his services as a consequence of which he raised the present dispute and moved the local labour machinery for necessary relief. At last, the dispute was admitted to conciliation and on failure of the conciliation the present reference was made for adjudication of the dispute.

3. The management in its lengthy written statement has challenged the claim of the workman both under law and facts. In so far as the question of law is concerned, it is urged that the L. I. C. of India (Staff Regulations), 1960 empowers for engaging employees in Class-III and Class-IV posts on temporary basis to meet the exigencies of workload. So, one who is appointed under the said Regulations on temporary basis can not claim as a matter of right to be absorbed against any permanent post.

Narrative in detail as to how the present workman entered into service, the management has pleaded inter-alia that since there was a ban on recruitment of new employees

imposed by the National Industrial Tribunal, Bombay, the management of the Divisional office of L. I. C., Sambalpur recruited a few temporary sub-staff to meet the work-load. The present workman was one of such sub-staff who came to be engaged on 30-9-85 as a temporary hand and continued to work intermittently till 12-4-90 and was paid wages on daily basis. So, he being quite aware that his engagement was purely temporary he would have searched for a suitable and permanent job elsewhere before he crossed the age limit. Instead, he took the risk and worked as a temporary hand knowing very well that he might lose his job at any time. He being a Badli sub-staff cannot claim permanent absorption or raise any grievance about his termination from service.

The further case of the management is that before the National Industrial Tribunal, Bombay a reference case bearing No. NTP 1 of 1985 u/s 10 of the Act was initiated. In the said case, the question in issue was as to what should be the service conditions and guidelines for absorption of Badli/temporary/part-time workmen of the LIC of India. In the said case the learned Tribunal passed an Award on 17-4-88 to the effect that those Class-III employees who have worked 85 days within a period of two years and Class-IV employees who have worked 70 days in a period of three years should be considered for being permanently absorbed in their respective posts. While implementing the said Award, certain difficulties cropped up as a consequence of which the Central Government referred a fresh dispute to the self-same Tribunal u/s 36-A of the Act. During pendency of the proceeding the Tribunal on being moved passed an order that till disposal of the case there shall be no permanent recruitment to fill-up the posts by the Corporation. Such direction of the Tribunal was followed in later and spirit and the posts lying vacant were not filled up. Finally, the said reference was heard on merit and award passed. The management feeling aggrieved by the award, moved the Apex Court where ultimately the dispute was settled between the parties by way of compromise. The relevant term of the compromise was that the management would consider the case of temporary/part-time/Badli workmen in Class-III posts employed for 85 days in any two years and for 70 days in any three years in the case of Class IV posts in any of its establishment during the period from 1-1-82 for regular appointment in the manner provided therein. It was also stipulated that the temporary/part-time/Badli workmen who had applied for being absorbed in regular posts on or before 7-7-85 or those whose applications had been received after 7-7-86 or on or before 6-3-87 and had been rejected on account of late submission shall also be eligible for consideration for regular employment. Since the present workman is not covered under any of the terms of the aforesaid compromise, he is not eligible to be absorbed against any permanent post.

As stated earlier since a judicial order was passed restraining the management to make permanent appointments, the present workman was engaged as a temporary hand to cope-up with the day to day work of the divisional office of the corporation. However, consequent upon the final settlement of the dispute in the Apex Court, interview was held to fill-up the vacancies in Class-IV posts. Those candidates who came out successful were given employment to fill-up the posts lying vacant. The case of the present workman was however not considered as he had already crossed the prescribed age limit. In the premises, it is submitted that non-consideration of the claim of the workman for his absorption in the permanent post can not be said to be an unfair labour practice.

4. In view of the pleadings of the parties, the question that crops up for consideration is whether the management is legally justified in terminating the services of the workman.

5. The workman in proof of his case examined one witness and brought some documents into evidence. On the other hand, the management led no evidence at all.

6. Admittedly, the second party was a workman and was appointed on daily wage basis as is evident from the termination order marked Ext. A. However, as borne out from Ext. F series, his employment for the last three years i.e., 1987-88, 1988-89 and 1989-90 was more than 240 days each. It is not the case of the management that while terminating his services, conditions precedent to retrenchment were adhered to. Admittedly, L.I.C. of India is

a Central Government undertaking to which Chapter V-B of the Act squarely applies as because more than 100 workmen are employed in it on an average per working day. Section 25-N envisages that no workman who has been in continuous service for not less than one year in any establishment to which the said Chapter applies can be retrenched unless he has been given three months' notice in writing indicating the reason for retrenchment or in lieu of such notice he has been paid wages for the notice period and prior permission of the appropriate Government has been obtained for such retrenchment. In view of non-compliance of this statutory requirement which is mandatory one, termination of services of the workman has to be held to be illegal.

This takes me to find whether the workman should have been absorbed against the permanent vacancy of a sub-staff. The grievance of the workman is that having worked for four and half years with utmost sincerity and to the best satisfaction of his employer and his service record being without any blemish he should have been absorbed permanently as a sub-staff. Instead, the management by overlooking his legitimate right employed others who came out successful in the interview conducted for the purpose. On the other hand, the management to justify its action has pleaded that since the National Industrial Tribunal and subsequently the Hon'ble Supreme Court passed interim orders restraining it to fill-up the vacancies of the regular posts till final adjudication of the dispute, temporary appointments were given to run day-to-day administration. The dispute was however amicably resolved between the parties finally. It was agreed upon that the management would consider the case of temporary/part-time workman employed for 70 days in any three years in Class-IV posts during the period from 1-1-82 to 20-5-85 for their regular employment. The settlement was accordingly implemented and the services of the eligible workmen were made regular. This being the state of affairs, the present workman who had since been engaged temporarily during the pendency of the 'lis' was removed from service as the management had no other alternative but to take such harsh step. From the above pleading of the management there does not appear to be any indication that there were some temporary/part-time workers engaged either in the divisional office or other branch offices who were involved in the reference case as aforesaid which came to be amicably settled in the Apex Court and to carry out the terms of the said settlement, those workers were given employment on regular basis in Class-IV posts. Rather, its plea is that after the said case was finally disposed of and the ban imposed on it was removed it terminated the services of the workman and filled-up the posts, out of the candidates who came out successful in the interview/selection. The reason for not absorbing the workman as a regular employee is that he had crossed the age limit by the time the interview was conducted.

It is in the evidence of the sole witness examined on behalf of the workman that the workman although had crossed the age limit by the time the recruitment examination was held in 1989 but he was allowed to appear the said examination. Evidence is, however, lacking as to what was the result of such examination and whether he was allowed to appear the viva-voce test. The management in all fairness should have relaxed the upper age limit of the workman since he was an old employee who had worked continuously for four and half years and considered his case for absorbing him in the regular post if he was a successful candidate in the written test.

Apart from what has been stated above, the criteria fixed in the settlement before the Hon'ble Supreme Court for making the temporary appointments permanent should have been adopted in the present case to absorb the workman permanent in the post held by him. Instead, the management overlooking the legitimate claim of the workman terminated his services, held interview and recruited fresh candidates.

In the pleading the management has urged that similar cases like the present one came-up for consideration before the Allahabad High Court as well as the Orissa High Court where the action of the management was held to be justified. If at all there were such judicial pronouncements the management should have been vigilant and brought the same to my

notice so that I would have followed the decision of the Hon'ble Orissa High Court which has the binding effect on this Tribunal.

7. In view of my discussions made above, I hold that termination of services of the workman being in contravention of statutory requirement as stated above is illegal and unjustified. He, therefore, be reinstated in service and absorbed in a Class-IV post on permanent basis and be paid back wages till reinstatement. The back wages be paid within three months from the date of publication of this Award.

8. The reference is thus answered accordingly.

Dictated and corrected by me.
Dt. 22-6-1993.

R. K. DASH, Presiding Officer

नई दिल्ली, 8 जुलाई, 1993

का.आ. 1605.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मै. भारन कोकिंग कोल लि. की फुलरिडंड कोलियरी के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, (सं. 2), धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-7-93 का प्राप्त हुआ था।

[सं. एल-20012/48/91-आई आर (कोल-1)]

एच.सी. गौड़, डेस्क अधिकारी

New Delhi, the 8th July, 1993

S.O. 1605.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. II) Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Phularitand Colliery of M/s. B.C.C.L. and their workmen which was received by the Central Government on 7-7-1993.

[No. L-20012/48/91-IR (Coal-I)]

HARISH GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
(NO. II) AT DHANBAD

PRESENT :

Shri B. Ram, Presiding Officer.

In the matter of an industrial dispute under Section 10(1)(d) of the I. D. Act, 1947

Reference No. 112 of 1991

PARTIES :

Employers in relation to the management of Phularitand Colliery of M/s. B.C.C.L. and their workmen.

APPEARANCES :

On behalf of the workmen—Shri D. K. Dey, Secretary
Dhanbad Colliery Karamchhari Sangh.

On behalf of the employers—Shri B. Joshi, Advocate.

STATE : Bihar

INDUSTRY : Coal

Dhanbad, the 30th June, 1993

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/48/91-IR (Coal-I) dated, the 26th July, 1991.

SCHEDULE

"Whether the management of Phularitand Colliery in Barora Area No. I of M/s. BCCL in denying promotion and regularisation to the workman Shri Lakhan Beldar in the post of Driver Cat. V w.e.f. February 88 is justified? If not to what relief the said workman is entitled?"

2. In this case both the parties made their appearance but only the workmen filed his W.S. Subsequently when the case was fixed for filing W.S. by the employers, both the parties appeared before me and filed a petition of compromise under their signature. I heard both the parties on the said petition of compromise and do find that the terms contained therein are fair, proper and beneficial to both of them. Accordingly I accept the said petition of compromise and pass an Award in terms thereof which forms part of the Award as Annexure.

B. RAM, Presiding Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I AT DHANBAD

Reference No. 112/1991

Employers in relation to the Management of Phularitand Colliery

AND

Their workman.

Petition of Compromise

The humble petitioner on behalf of the parties to the above reference most respectfully sheweth :—

1. That without prejudice to the respective contentions of the parties contained in their written statement, the dispute has been amicably settled on the following terms :

TERMS OF SETTLEMENT

1. That the concerned workman Sri Lakhan Beldar will continue as Driver in category-V maintaining his fixation of pay as done on 1-2-91 after his promotion to category-V. So however, he is given notional seniority as Driver in cat.-V with effect from 1-1-90 and will be deemed to be in cat.-V from that date for the purpose of his fixation in seniority list of category-V Drivers.
2. That the concerned workman will be not entitled to any other relief on this present demand.
3. That in view of the above settlement there remains nothing to be adjudicated.

Under the facts and circumstances stated above the Hon'ble Tribunal will be graciously pleased to pass Award in terms of the above settlement.

For the workman :

For the Employer :

Gourishankar Singh

Sd/-

Sd/-

गौरी शंकर सिंह

क्षेत्रीय सचिव, द को.क.

संव बरोरा क्षेत्र I

Dy. Chief Personnel Manager

Bharat Coking Coal Limited.

Barora Area No. I

P.O. Nawagarh, Dt. Dhanbad

Sd/- Illegible

नई दिल्ली, 5 जुलाई, 1993

का.आ. 1606—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार साउथ ईस्टर्न रेलवे, चक्राधारपुर, बिहार के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार

औद्योगिक अधिकरण, उड़ीसा भुवनेश्वर के पंचपद को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-7-93 को प्राप्त हुआ था।

[संख्या एल-41011/21/89-डी II (बी)]

के.वी.बी. उण्णी, डेस्क अधिकारी

New Delhi, the 5th July, 1993

S.O. 1606.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Orissa Bhubaneswar as shown in the Annexure, in the industrial dispute between the employers in relation to the management of South Eastern Railway, Chakradharpur, Bihar and their workmen, which was received by the Central Government on 2-7-1993.

[No. L-41011/21/89-D.II (B)]

K. V. B. UNNY, Desk Officer

ANNEXURE

INDUSTRIAL TRIBUNAL, ORISSA, BHUBANESWAR
PRESENT :

Sri R. K. Dash, I.L.B., Presiding Officer,
Industrial Tribunal, Orissa, Bhubaneswar.

Industrial Dispute Case No. 20 of 1989 (Central)

Bhubaneswar, the 17th June, 1993

BETWEEN

The management of South Eastern Railway, Chakradharpur, Dist. Singhbhum (Bihar) First party-management.

AND

Their workmen represented through Dakshina Purva Railway Mazdoor Sangh, House No. 323, Bondhua Para, Near Old Power House, Bilaspur (RS) (M.P.)
—Second party-workmen.

APPEARANCES :

Smt. Manju Ray, Sr. Divisional Personnel Officer—for the first party-management.

Sri R. P. Sharma, Secretary of the Sangha—for the second party-workmen.

AWARD

The Government of India in the Ministry of Labour in exercise of powers conferred upon it by clause (d) of sub-section (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) (for short 'Act') have referred the following dispute for adjudication by this Tribunal vide their Order No. L-41011/21/89-D.II (B) dated 25th September, 1989 :—

"Whether the demand of the union that Sri J. L. Sahu officiating as TNC, Sri P. Mahato Officiating as TNC, Sri S. C. Jharia officiating as TCO and Sri Rajeswar Mistry officiating as TNC, Sri Sachin officiating as TNC and reverted, Sri B. L. Das officiating as adhoc TNC and reverted, Sri Chaitu Ram officiating as TCO and reverted and Sri D. K. Guha officiating as TNG and reverted be promoted and regularised in their respective officiating posts is justified? If so, to what relief the workmen are entitled to?"

2. The case of the workmen adumbrated in their pleading may be stated thus :—

The aggrieved workmen numbering eight were initially appointed by the management of the South Eastern Railway, Chakradharpur Division as Class-IV em-

ployees in between 1953—1965 and performed their duty to the best satisfaction of their employer. It is because of their sincerity and devotion to duty, they got promotion during 1976 to 1983 to the next higher posts as TNC/TCO on adhoc basis and on being so promoted they performed their duty in those posts for considerable period ranging from 10 to 12 years. However, their promotion being purely adhoc, they appeared the Selection Committee constituted for the purpose. Of them, Sri J. L. Sahu, R. Mistry, P. Mahato and S. C. Jharia could be selected as a consequence of which their services were regularised from 17-3-86 but the remaining four were reverted as according to the management they could not qualify in the test. If this was true, the management should have immediately reverted them after the first test but instead, it allowed them to work in the promotional posts held by them for a pretty long time. During continuance of their services in such promotional posts they performed their duty most satisfactorily for which they crossed the efficiency bar. Not only that they were also allowed annual increments. In such circumstances, the management's action in reverting them to their parent posts was arbitrary and unconstitutional.

Legally also it was impermissible for the management to revert them in view of the administrative instruction of the railway board that an employee who on being promoted to officiate in a higher post has continuously worked for 18 months can not be reverted. This executive instruction, according to the workmen, should have been strictly adhered to while considering their case since they worked in the higher posts for many years on being promoted on adhoc basis. In other words, they for their doing work in the promotional posts for more than ten years, the management in all fairness should have regularised their services in those posts.

As to the claim of the remaining four workmen, it is urged that they being senior to many others their promotion should have been given effect to from the date they were given adhoc promotion and not from 1986.

3. The management of the South Eastern Railway Chakradharpur Division on the other hand while challenging the maintainability of the reference on the ground of non-joinder of necessary parties, has pleaded inter-alia that the aggrieved workmen being the employees under Class-IV cadre were promoted to the posts of TNC/TCO on adhoc basis on different dates and such promotion being purely temporary did not confer any right on them to claim regularisation in those posts. In the selection held in 1986 for regularising the adhoc promotion only four out of eight could qualify and the remaining did not. So, services of those four successful candidates as TNCs/TCOs were regularised and others were reverted. It is emphatically pleaded that merely because they were allowed to work in the promotional posts on adhoc basis for some years, they can not assert their right in those promotional posts and claim for regularisation of their services.

4. In view of the pleadings of the parties, the following issues are settled :—

ISSUES

- (1) If the reference is not maintainable on ground of non-joinder of necessary parties ?
- (2) If the demand of the Union that Sri J. L. Sahu, officiating as TNC, Sri P. Mahato, officiating as TNC, Sri S. C. Jharia, officiating as TCO, Sri Rajeswar Mistry officiating as TNC and Sri Sachin officiating as TNC and reverted, Sri B. L. Das officiating as adhoc TNC and reverted, Sri Chaitu Ram officiating as TCO and reverted and Sri D. K. Guha officiating as TNG and reverted be promoted and regularised in their respective officiating posts is justified ?
- (3) To what relief, the workmen are entitled ?

5. In so far as issue No 1 is concerned since it has neither been specifically pleaded nor any evidence has been led during hearing by the management as to who are the necessary parties to the present dispute. I hold the reference maintainable.

6. Coming to issue No. 2, for better appreciation of the case and to come to a right conclusion of the dispute involved, the same should be divided into two parts, the first being whether the workmen Sachin, B. L. Das, Chaitu Ram and D. K. Guha who on being promoted on adhoc basis to work as TNCs/TCOs/TNG could have been reverted after having worked for considerable years in their respective promotional posts; the second being whether J. L. Sahu, P. Mahato, S. C. Jharia and R. Mistry having been promoted temporarily, their services could have been regularised and made permanent from the day they were so promoted.

In so far those four workmen who have since been reverted, admittedly they were Class-IV employees. Three of them, namely, Sachin, Chaitu Ram and D. K. Guha were given adhoc promotion to Class-III posts in 1973 and were allowed to work for more than ten years. The lone workman Sri B. L. Das came to be promoted in 1982 on adhoc basis and continued to work till 1986 when he was reverted. The bone of contention of the management is that their promotion being purely adhoc their services could not have been regularised since they failed in the test conducted by the Selection Committee.

Admittedly, those were the permanent posts to which all the eight aggrieved workmen were promoted on adhoc basis. As provided under the Rules, selection should be held within one year of giving adhoc promotion (see the evidence of MW-1). But in the case at hand selection was held in 1979 (see Ext. 4) even though most of the workmen were given adhoc promotion in 1973. In this selection all the workmen appeared but according to the management they could not qualify. Subsequently, two other selections were held in 1981 and 1985 and in the last selection some of them qualified and others did not. If it was true that in the very first selection all of them did not qualify then the management ought to have reverted them to their previous posts. Instead, it allowed them to hold the promotional posts and continue to work for considerable years. It is no where the case of the management that during the whole period of their engagement in their respective promotional posts their performance was unsatisfactory. Rather, their continue for long years in those posts leads to a presumption that the management was never unhappy on their performance. If that be so, then there was no justifiable reason in not confirming the four out of eight workmen, namely, Sachin, B. L. Das, Chaitu Ram and D. K. Guha in their promotional posts.

Apart from what has been stated above, it is necessary to have a glimpse on the circular of the management, Ext. A which provides that test/selection in regional language as well as simple test in English as considered necessary should be held for giving promotion to Class IV employees to the next higher post. From the above, it indicates that the management never intended that such test should be at all a merit test. In so far as the present case is concerned, though several tests were held as indicated in Ext. 4 but no document is forthcoming to show the mode of conducting such tests. Moreover, as I have observed earlier the management having allowed the aggrieved workmen to work in the promotional posts for a pretty long time (workmen Sachin, Chaitu Ram & D. K. Guha worked for more than ten years and B. L. Das for four years), it ought not to have reverted them on technical ground of their not coming out successful in all the three tests.

The workman Sachin has since retired from service and till retirement he worked as a T.N.C., a Class-III post. When the management availed his services in such promotional post and paid him higher wages, the sole technical ground that he did not qualify in the test should not have been weighed with the management to deny him the retirement benefit of a Class-III employee. So far workman Chaitu Ram is concerned, his case is that not only he was given one promotion from Class-IV to Class-III but he was also given another promotion as a Junior Train Controller Operator which admittedly carries higher scale of pay.

7. From the above discussion, I am of the considered opinion that the aforesaid four workmen on their being promoted on adhoc basis to different Class-III posts and having worked continuously for many years their services should have been regularised and their promotion given effect to from the day they were so promoted.

8. Coming to the second question, though workmen J. L. Sahu and R. Mistry were promoted temporarily way back in 1976, S. C. Jharia in 1977 and P. Mahato in 1982 but they were confirmed in their promotional posts in the year 1986. The grievance of all these workmen is that their promotion should have been given effect to from the date they were temporarily promoted. Challenging the aforesaid claim it has been urged by the management that since they failed in the test conducted earlier they have no right to lay claim as alleged.

From Ext. 4 it transpires that J. L. Sahu, S. C. Jharia and R. Mistry appeared the selection committee in 1979 but did not qualify. Subsequently, all the three appeared for the second time in 1981 and met the same fate. Lastly when the third test was held in 1985 only S. C. Jharia and R. Mistry appeared and were selected. The aforesaid document, Ext. 4 which belongs to the workmen and was filed during conciliation, has been brought in evidence by the management only for the limited purpose to show that several times the aggrieved workmen appeared before the selection committee and were interviewed for being confirmed in their promotional posts. When the three workmen, namely, J. L. Sahu, S. C. Jharia and R. Mistry could not qualify in the first test/selection held in 1979 they should have been reverted immediately. But it was not done. Rather, they were allowed to work for years together even after they failed in the second test. So far the workman P. Mahato is concerned, he on being promoted in 1982 appeared the third test in 1985 and was selected. All the above workmen having worked for so many years in the promotional posts gained experience and there was no complaint at any time that their work was either unsatisfactory or they were inefficient. In the words of the Apex Court, practical experience always aids the person to effectively discharge the duties and is a sure guide to assess his suitability. In view of such dictum, the management when found the aforesaid workmen suitable to work in Class-III posts it should have regularised their services in those posts since they were given adhoc promotion.

9. In view of my discussions made above, workmen Sachin, B. L. Das, Chaitu Ram and D. K. Guha should be confirmed and their services be regularised from the day they were given adhoc promotion. So far the remaining four namely, J. L. Sahu, S. C. Jharia, P. Mahato and R. Mistry who have since been confirmed in their respective promotional posts, their such confirmation should be given effect to from the day they were so promoted. While doing so their seniority should be maintained.

10. The reference is thus answered accordingly.
Dictated & corrected by me.
Dt. 17-6-92.

R. K. DASH, Presiding Officer

नई दिल्ली, 7 जुलाई, 1993

का.आ. 1607—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भाकड़ा बीयास मैनेजमेंट बोर्ड के प्रवन्धन के संबद्ध निरोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नंबर कोर्ट, चंडीगढ़ के पंचपट को प्रकाशित करता है, जो केन्द्रीय सरकार को 6-7-93 को प्राप्त हुआ था।

[सं. एल. 42012/87/91-डी-2(बी)]

के.वी.बी. उन्नी, डेस्क अधिकारी

New Delhi, the 7th July, 1993

S.O. 1607.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal cum-Labour Court, Chandigarh as shown in the Annexure, in the industrial dispute between the emp-

loyers in relation to the management of Bhakra Beas Management Board and their workmen, which was received by the Central Government on 6-7-93.

[No. L-42012/87/91-D-2(B)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, CHANDIGARH

Case No. 19/92

Ghanshyam vs. BBMB

For the workman : Shri Dhani Ram.

For the management : Shri D. L. Sharma.

AWARD

Central Government vide gazette notification No. L-42012/87/91-D-2(B) dated 6th March, 1992 issued U/S 10(1)(d) of the I.D. Act 1947 referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of BBMB in terminating the services of Shri Ghanshyam son of Shri Sant Ram, w.e.f. 1-3-1989 is justified ? If not, what relief the workman concerned is entitled to ?"

2. Dhani Ram authorised representative of the workman has made a statement that the workman has been gainfully employed some where and not traceable, he therefore, does not want to pursue with the present reference, and same may be returned to the Ministry. In view of the statement made by the authorised representative of the workman present reference is returned to the Ministry for want of prosecution.

Chandigarh.

Camp Sundernagar.

15-6-1993.

ARVIND KUMAR, Presiding Officer

नई दिल्ली, 7 जुलाई, 1993

का.आ. 1608—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भाकड़ा बीयास मैनेजमेंट बोर्ड के प्रवन्धन के संबद्ध निरोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नंबर कोर्ट, चंडीगढ़ के पंचपट को प्रकाशित करता है, जो केन्द्रीय सरकार को 6-7-93 को प्राप्त हुआ था।

[सं. एल-42012/162/91-आई आर (डायू)]

के.वी.बी. उन्नी, डेस्क अधिकारी

New Delhi, the 17th July, 1993

S.O. 1608.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal cum-Labour Court, Chandigarh as shown in the Annexure, in the industrial disputes between the employers in relation to the management of Bhakra Beas Management Board and their workmen, which was received by the Central Government on 6-7-93.

[No. L-42012/162/91-IR(DU)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Case No. I.D. 127/92

Pawan Kumar Vs. Bhakra Beas Management Board

For the workman : Shri Dhani Ram.

For the management : Shri D. L. Sharma.

AWARD

Central Government vide gazette notification No. L-42012/162/91/I.R.(DU) dated 30th September, 1992 issued U/s 10 (1) (d) of the I.D. Act 1947 referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of BBMB Township Division, Sundernagar in terminating the services of Shri Pawan Kumar, son of Shri Raju Ram w.e.f. 17-5-91 is legal and justified ? If not, what relief he is entitled to ?"

2. Dhani Ram authorised representative of the workman has made a statement that the workman has been gainfully employed some were and not traceable. He, therefore, does not want to pursue with the present-reference, and same may be returned to the Ministry. In view of the statement made by the authorised representative of the workman present reference is returned to the Ministry for want of prosecution.

Chandigarh.

Camp at Sundernagar.

15-6-1993.

ARVIND KUMAR, Presiding Officer

नई दिल्ली, 7 जुलाई, 1993

का.आ. 1609:—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेंट्रल कैटल ब्रीडिंग फार्म, चीपलीमा, सम्बलपुर के प्रबन्धकों के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में औद्योगिक अधिकरण उड़ीसा, भुवनेश्वर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-7-93 को प्राप्त हुआ था।

[सं. एल-42011/73/89-प्रार्थनार (डीयू)]

के.वी.बी. उष्णी, ईस्क अधिकारी

New Delhi, the 7th July, 1993

S.O. 1609.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Orissa Bhubaneswar as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Central Cattle Breeding Farm, Chiplima, Sambalpur and their workmen, which was received by the Central Government on 6th July, 1993.

[No. I-42011/73/89-IR (DU)]

K. V. B. UNNY, Desk Officer

ANNEXURE

INDUSTRIAL TRIBUNAL, ORISSA, BHUBANESWAR
PRESENT:

Sri R. K. Dash, I.L.B., Presiding Officer, Industrial Tribunal, Orissa, Bhubaneswar.

INDUSTRIAL DISPUTE CASE NO. 34 OF 1990(C)
Dated, Bhubaneswar, the 25th June, 1993

BETWEEN

The management of Central Cattle Breeding Farm, Chiplima, P.O. Basantpur, District Sambalpur.

...First party—management.

AND

Their workmen represented through Central Cattle Breeding Farm Labour Union, Chiplima, P. O. Basantpur, District Sambalpur.

...Second party—workmen.

APPEARANCES:

Sri Balabhadra Panda, Agricultural Assistant—For the 1st party—management.

Sri D. P. Nayak, President of the Union—For the 2nd party—workmen.

AWARD

The Government of India in the Ministry of Labour in exercise of powers conferred upon it by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (for short 'Act') have referred the following dispute for adjudication by this Tribunal vide their Order No. L-42011/73/89-IR (DU) dated 23rd August, 1990:—

"Whether the demand of the CCB Farm Labour Union, Chiplima, P.O. Basantpur, District Sambalpur, Orissa claiming reinstatement of Sri Tejraj Chhatra and 20 others with back wages from 24th December, 1979 and inclusion of the name of Sri Kuladhar Nanda in the seniority list maintained for the casual workers in the Farm is justified ? If so, to what relief are the workmen entitled to ?"

2. Briefly stated the case of the workmen is that they being the daily rated workers raised demands for increase of their daily wages from Rs. 4.43 paise to Rs. 10 and to provide them accommodation, medical facilities etc. with the management of the Central Cattle Breeding Farm, Chiplima. Their such demand on being turned-down they resorted to a legal strike from 24th December, 1979 as a consequence of which the management being infuriated initiated a criminal proceeding against them with the help of the Police and put them behind bars. Ultimately, the criminal case ended in acquittal whereafter they approached the management with the copy of the judgment and requested to take them back to duty. Accordingly, the management considering their prayer, passed orders, Ext. 1 to take them to work as before with effect from 8th August, 1983. It, however, did not pay them their wages for the period in question for which they raised a dispute. The Conciliating authority admitted the said dispute to conciliation and the same having failed, the present reference was made to adjudicate the dispute.

In so far as the case of individual workman Sri Kuladhar Nanda is concerned, it is alleged that the management has not counted the whole period in question till reinstatement as aforesaid towards service while maintaining the seniority list.

3. Refuting the claim of the workmen, the management has pleaded inter-alia that the aggrieved workmen numbering 21 being the casual labourers were engaged to perform certain works as were available with the management. No suspension order was ever passed against them nor they were refused to come to work as casual labourers for the period from 27th December, 1979 till 8th August, 1983. True it is, they were involved in a criminal proceeding which came to be disposed of by the learned S.D.J.M., Sambalpur but as soon as they on being acquitted approached the management for work they were given employment as before without any delay. So, they having voluntarily abstained themselves from attending their duties for the period in question are not entitled to any wages.

As to the claim of Sri Kuladhar Nanda, it is urged that when he did not perform duty for the whole period he can not as a matter of right claim to treat the said period as duty for the purpose of maintaining his seniority.

4. From the pleadings of the parties, the only question that emerges for consideration is whether the period in question as aforesaid should be treated as duty period of the aggrieved workmen and they be paid wages for the said period.

5. The admitted case of the workmen is that it is because of the management's apathy to consider their legitimate demands they had no other alternative but to resort to a legal strike from 24th December, 1979. Instead of coming out with an open mind to resolve the dispute for maintaining industrial peace and harmony the management initiated a criminal proceeding with an oblique motive. The Director of the Farm lodged a report to the Police that on 27th December, 1979 he while bringing some outside labourers in a Jeep to the Farm for work, some of the striking workers restrained him on the way. The Police then arrested those workers and put them behind bar for three days. At last they on being released on bail requested the management to provide them work but their prayer was not accepted.

6. In support of their case the workmen have examined two witnesses whereas the management has examined one. Both the workmen witnesses in their evidence have stated in one voice that on being released on bail the aggrieved workmen approached the management to provide them work which they were performing as before but they were refused. Their such evidence remained uncontroverted as because the management's lone witness who joined service in June, 1990 could not say as to if any approach was made by the aggrieved workmen as aforesaid to provide them work. The fact that after disposal of the criminal case the workmen came with a copy of the judgment and approached for work and that the same was accepted stands admitted by the management. In the premises, it does not appeal to common sense that when they could approach the management and insist to provide them work after disposal of the criminal proceeding they remained silent and sat idle for years together after their release on bail. After all they being the bread earners of their family could not have sat idle awaiting the result of the criminal proceeding. I would, therefore, believe their version that no sooner they were freed from custody after three days of their arrest they knocked at the door of the management and prayed to take them to work but the management being determined not to employ them any more did not pay any heed to their request. Had it been the case the management that no work was available with it during the period in question the matter would have been otherwise. On the contrary, as would be seen from the evidence of M.W.1, the management was engaging outsiders to maintain the day-to-day work of the Farm and to look after 700 heads of cattle.

7. Hence, on a close scrutiny of the materials on record and the circumstances, I am of the considered opinion that as because the poor workers raised certain demands with the management, they were refused of work for the whole period in question.

8. Coming to the second question, admittedly the whole period during which all the workers were kept disengaged had been treated as duty period but in the case of Sri Kuladhar Nanda it was not done so and he was treated differently. No reason has been assigned by the management as to why the said period was not considered as duty period in so far as Sri Nanda is concerned. I would, therefore, hold that such treatment meted out to Sri Nanda is discriminatory and unconstitutional.

9. In view of my discussions made above, I hold that refusal of employment to the aggrieved workmen for the period from 24th December, 1979 till re-employment being illegal and unjustified the same be treated as their duty period and they be paid full wages for the aforesaid period. As to the claim of Sri Kuladhar Nanda regarding maintaining his seniority, the whole period in question be treated as duty period as has been done in the case of other workers.

10. The reference is thus answered accordingly. Dictated & corrected by me.

R. K. DASS, Presiding Officer

नई दिल्ली, 5 जुलाई, 1993

का.आ. 1610:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में, केन्द्रीय सरकार पारादीप पोर्ट ट्रस्ट, पारादीप के पब्लिशमेंट के संबंध में उनके कर्मचारियों के बीच, अन्वय में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण,

उड़ीसा, भुवनेश्वर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-7-93 को प्राप्त हुआ था।

[नं.वा.एल-38012/3/88-डी-III (बी)]

बी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 5th July, 1993

S.O. 1610.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Orissa, Bhubaneswar as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Paradip Port Trust, Paradip and their workmen, which was received by the Central Government on 2-7-93.

[No. L-38012/3/88, D. III(B)]

B. M. DAVID, Desk Officer

ANNEXURE

INDUSTRIAL TRIBUNAL, ORISSA, BHUBANESWAR

PRESENT :

Sri R. K. Dash, LL.B., Presiding Officer, Industrial Tribunal, Orissa, Bhubaneswar.

INDUSTRIAL DISPUTE CASE NO. 17 OF 1989
(CENTRAL)

Dated, Bhubaneswar, the 16th June, 1993

BETWEEN :

The Management of Paradip Port Trust, Paradip—First party—management.

AND

Their workmen Smt. Kanaklata Das represented through Paradip Bandar Shramik Union (CITU), Sector-21, Paradip Port, Paradip.

&

Smt. Belabala Sethi represented through Utkal Port & Dock Workers' Union, Brindaban House Complex, Paradip Port, Paradip.—Second party—workmen.

APPEARANCES :

Sri H. K. Mohanty, Dy. Secretary (Law)—For the 1st party—management.

Sri S. C. Mohanty, Secretary of the union—For the workman Smt. K. L. Das.

Sri J. Das, Advocate—For the workman Smt. Belabala Sethi.

AWARD

The Government of India in the Ministry of Labour in exercise of powers conferred upon it by clause (d) of sub-section (1) & sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have referred the following dispute for adjudication by this Tribunal vide their Order No. L-38012/3/88-D. III(B) dated 3-8-89 :

"Whether the action of the management of Paradip Port Trust, At P. O. Paradip, Dist. Cuttack in not promoting Smt. Kanaklata Das, Staff Nurse to the post of Nursing Sister is justified? If not, what relief is the workman entitled to?"

2. The grievance of the Paradip Bandar Shramik Union representing the aggrieved workman Smt. Kanaklata Das is that Smt. Das being senior most staff Nurse and having requisite qualification and experience was denied of promotion by the management of Paradip Port Trust to the post of

Nursing Sister. On the contrary, the management promoted Smt. Belabala Sethy, a junior to her by violating the prescribed rules. Elaborating as to how the management committed mischief and denied promotion to Smt. Das, the union has urged that the post of Nursing Sister though fell vacant on 30-5-83 but for a period of four years it was not filled up. However, to manage the work of Nursing Sister, the management ordered Smt. Das, the senior most Staff Nurse to remain in charge of the said post. In response to such direction Smt. Das worked in the said post with utmost sincerity and to the best satisfaction of the authority. Later on, the management instead of giving her promotion to the said post promoted Smt. Belabala Sethy under office order dated 20-8-87. When Smt. Das had performed the duty of Nursing Sister for a pretty long time without any extra remuneration in all fairness her case should have been considered for promotion and not of her junior.

3. The case of the management of Paradip Port Trust on the other hand is that the post of Nursing Sister in question being a promotional post was meant for Schedule Tribe candidate as borne out from the roster. But to fill-up the back-log meant for Schedule Caste, the case of Belabala Sethy who admittedly belongs to such caste was considered and she having requisite qualification and service experience as provided under Rules was given promotion as recommended by the Departmental Promotion Committee (for short 'D. P. C.'). As to the claim of Smt. Kanaklata Das, it is the case of the management that since she had neither experience nor requisite qualification, her case was not considered for promotion.

4. Smt. Belabala Sethy who came to be impleaded as a party to the proceeding has filed written statement through Utkal Port & Dock Workers Union challenging the claim of Smt. Kanaklata Das. As urged by her, the post of Nursing Sister in question was a reserved post and she being a Schedule Caste candidate and having requisite qualification and service experience, her name was recommended by the D. P. C. and accordingly she was promoted to the said post. She has categorically pleaded that she has passed H. S. C. and obtained diploma in Nursing from S. C. B. Medical College and joined as a Staff Nurse under the State Government in 1974. Thereafter she accepted the job in the Paradip Port Hospital and by the time she was given promotion, she had 13 years service experience whereas under the Rules the minimum experience required was ten years. So, the D. P. C. rightly recommended her name for promotion which the management accepted and issued orders accordingly.

5. In view of the pleadings of the parties, the following issues are settled :—

ISSUES

- (1) If the reference is maintainable ?
- (2) If the second party Smt. Kanaklata Das did not possess the requisite qualification for being considered for promotion to the post of Nursing Sister ?
- (3) If the post of Nursing Sister which was filled in by promotion by Smt. Belabala Sethy is a reserved seat for S. C. candidate ?
- (4) If there was supersession in the case of Smt. Das and if such supersession is justified ?
- (5) To what relief, if any, the second party is entitled ?

6. So far the question of maintainability is concerned, all the parties to the proceeding did not press the same in course of argument. On the contrary, they having made reference to the evidence on record wanted disposal of the case on merit. In this view of the matter, the question of maintainability being not pressed needs no discussion. The remaining issues being co-related with each other are taken-up for consideration simultaneously for the sake of convenience.

7. The entry, Ext. K11 in the roster Register, Ext. K indicates that the post of Nursing Sister in point No. 4 is meant for Schedule Tribe which has admittedly been filled-up by

giving promotion to Smt. Belabala Sethy who is admittedly a Schedule Caste employee. The bone of contention of the aggrieved workman Smt. Kanaklata Das is that she being senior to Belabala Sethy the aforesaid promotional post should have been de-reserved and she having requisite qualification and service experience for more than ten years should have been promoted since 1983 when the post fell vacant. Instead, the management waited till 1987 with the intention to show favour to Smt. Belabala Sethy as because by 1983 she was not eligible for promotion. Admittedly, the post of Nursing Sister is a promotional post as provided in the Rules, marked Ext. J. It is provided therein that a Staff Nurse is eligible for promotion to the post of Nursing Sister if she has passed matriculation or equivalent examination with diploma in Nursing or midwifery and has ten years service experience or B. Sc. Nursing with three years service experience. The gradation list, Ext. A indicates that Smt. Kanaklata Das though a plucked matriculate but having passed general Nursing and Midwifery joined service in the Paradip Port Hospital on 11-10-75. Evidence however, has been led in course of hearing that she has passed matriculation in 1987. On the other hand, Smt. Belabala Sethy has passed H. S. C. examination and obtained diploma in Nursing. But she is junior to Smt. Das in service, her date of joining being 21-9-79. So, by the time the post of Nursing Sister fell vacant in 1983 admittedly, Smt. Das was not qualified to be promoted although she had served eight years in the Paradip Port Hospital and as deposed to by her prior to entering Port Hospital she had acquired three years experience.

8. Next, coming to the case of Smt. Belabala Sethy, it would be evident from the available material on record that she had the requisite qualification and experience for being considered for promotion to the post of Nursing Sister. She was a matriculate and obtained diploma in Nursing (see seniority/gradation list, Ext. A). As to her service experience, though by the time the aforesaid post fell vacant in 1983 she had hardly served in the Port Hospital for four years but when her name was recommended by the D. P. C., her total service period for eight years in the said Hospital and also her previous experience in the State Government service since 1974 had been taken into consideration. The fact of her having previous experience in the State Government service stands admitted both by the management in the additional written statement as well as by Smt. Das during her cross-examination. Apart from what has been stated above, as the post in question was meant for reserved employee, names of two persons, namely, Smt. Belabala Sethy and Smt. Hiramani Behera, both belonging to Schedule Caste were placed before the D. P. C. as borne out from the recommendation order, Ext. L/1. But because Smt. Behera did not have the requisite experience, so, Smt. Sethy's name was recommended as she satisfied all the conditions.

The grievance of the workman Smt. Das is that the management instead of keeping the said post vacant for four years should have de-reserved and considered her name for promotion. This argument is barely to be noted and rejected since Smt. Das had neither the requisite qualification nor service experience by the time the post fell vacant. It be recalled that she was a plucked matriculate and only in 1987 she passed the H. S. C. Examination. Apart from the fact that she was not eligible for promotion, she being an employee under the Port Trust has also no right to interfere in the administrative function of the management and ask as to why the post in question was kept vacant for years together. The Court of law equally also is not required to intrude upon the administrative arena of the management to ascertain the reason for not filling up the post by giving promotion.

9. In view of my discussions made above, I hold that the action of the management in promoting Smt. Belabala Sethy, a Schedule Caste candidate to the post of Nursing Sister is quite legal and justified which needs no interference by this Tribunal.

10. The reference is thus answered accordingly. Dictated & corrected by me.

Dt. 15-6-1993

R. K. DASH, Presiding Officer

नई दिल्ली, 6 जुलाई, 1993

का.आ. 1611:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार विशाखापट्टनम पोर्ट ट्रस्ट के प्रबन्धन के संबंध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार की 5-7-93 को प्राप्त हुआ था।

[संख्या एन-34012/7/83-B-IV-(ए)]
बी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 6th July, 1993

S.O. 1611.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Visakhapatnam Port Trust and their workmen, which was received by the Central Government on 5-7-1993

[No. L-34012/7/83-B-IV(A)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL AT HYDERABAD

PRESENT :

Sri Y. Venkatachalam, M.A., B.L., Industrial Tribunal-I.

Dated : 22nd June, 1993

Industrial Dispute No. 50 of 1986

BETWEEN

The Workmen of Visakhapatnam Port Trust, Visakhapatnam. ...Petitioner.

AND

The Management of Visakhapatnam Port Trust, Visakhapatnam.Respondent.

APPEARANCES :

Sarvasi G. Bikhapathi, G. Vidyasagar and V. Vishwanatham, Advocates for the Petitioner.

M/s. K. Srinivasa Murthy and G. Sudha, Advocates for the Respondent.

AWARD

The Government of India, Ministry of Labour, by its Order No. L-34012/7/83-B-IV(A) dated 31st October, 1986 referred the following dispute under Section 10(1)(d) (2A) of the Industrial Disputes Act, 1947 between the employers in relation to the Management of Visakhapatnam Port Trust and their workmen to this Tribunal for adjudication :

"Whether the action of the Management of Visakhapatnam Port Trust in reverting Sri M. Suribabu, Driver as Greaser with effect from 10-4-1982 is justified? If not, to what relief the workman is entitled?"

This Reference was registered as Industrial Dispute No. 50 of 1986 and notices were issued to both the parties.

2. The brief contents of the claim statement filed by the Petitioner read as follows :—

The Petitioner submits that it is a Trade Union having been registered under the provisions of Trade Unions Act. Nearly 30% of the total strength of respondent Management 1531 GI/93—5

ment are its members including the concerned workman Sri M. Suri Babu. The present dispute has been raised by the Petitioner Union in respect of reverting Sri M. Suri Babu Driver as Greaser with effect from 10-4-1982. It is respectfully submitted that the concerned workman Sri M. Suri Babu has been working in the Ore Handling Complex of the Respondent since 1969. He was given promotion as Greaser and subsequently as Driver w.e.f. 1-2-1977. During the month of March 1981 he was working as Driver (M.V.). It is submitted that on 24-3-1981 the concerned workman was posted in first shift i.e. 6.00 hours to 14.00 hours. As he was not feeling well, he requested Asst. Foreman Sri B. V. Kanaka Rao to grant him permission to enable him to go to Hospital. The said Asst. Foreman refused the permission and asked him to perform his duties. The workman concerned Sri Suri Babu has reported that in view of his ill-health he is not in a position to drive the vehicle. The Asst. Foreman did not grant permission and asked to apply for leave. During that time the Executive Engineer Sri K. K. Rao came to loco shed and the workman concerned has informed him about his ill-health. On seeing the condition of the concerned workman the Executive Engineer granted leave and the concerned workman left the work spot by 10.00 a.m. On subsequent days, the concerned workman attended to his duties regularly. While so, the Respondent placed him on suspension w.e.f. 4-4-1981. Subsequently the charge sheet dt. 23-4-81 was issued alleging that the concerned workman Sri Suri Babu abused and assaulted the Asst. Foreman Sri Kanaka Rao. The concerned workman has submitted his explanation dated 28-5-1981 denying the charges. Thereafter an enquiry was conducted into charges. The Management witnesses who have examined in the enquiry on behalf of the Management have categorically stated that the concerned workman did not abuse the Asst. Foreman and he was not in drunken position at that time of incident. But the Enquiry Officer rejected the statement of eye witnesses and solely relied on the statement of the Asst. Foreman. The said Asst. Foreman is a rival union office bearer. He is the Union Vice President of Harbour and Port Workers Union. The concerned workman is an active supporter of petitioner Union, the said Foreman developed grudge and ill will against him. The Chief Mechanical Engineer has also not considered the evidence on record and mechanically accepted the findings of the Enquiry Officer and held the charges are proved. A show cause notice of removal was issued dt. 23-12-1981. The concerned workman has submitted a detailed explanation. The Respondent without considering the explanation passed orders dt. 31-3-1982 reverting the concerned workman to the next lower post of Greaser. Aggrieved by the said order an appeal was filed to the Chairman, of the Respondent Port Trust which was also summarily rejected. It is respectfully submitted that the enquiry proceedings including the order of punishment is illegal and contrary to the provisions of Visakhapatnam Port Employees C.C.A. Regulations 1968. In the enquiry the eye witnesses to the incident have deposed the correct facts and it was clearly established that no misconduct was committed by the concerned workman and charges were not proved. During the enquiry, the Enquiry Officer has permitted for examination of other witnesses who were not specified in charge memo. Sri Kanaka Rao who is the alleged complainant has not been cited as witnesses in the charge memo. Yet he was examined by the Enquiry Officer. The Enquiry Officer conducted himself as a prosecutor and judge, even though there was a presiding Officer during the enquiry. That the findings of the Enquiry Officer are not only perverse, but biased. The evidence of the Management witnesses clearly establish that the concerned employee is not guilty of charges. But the enquiry officer strangely disbelieves the evidence on record and holds the concerned employee guilty of the charges. The Respondent has mechanically passed the order of reversion dt. 31-1-1982 without considering the explanation submitted by the concerned employee. Hence it is respectfully submitted that the order of reversion dt. 31-3-1982 is illegal, invalid and contrary to C.C.A. Regulations. None of the charges of misbehaviour or the drunken state are established in the enquiry. The concerned workman was made scape goat for trade union activities. By virtue of reversion to lower post, the concerned workman lost seniority in the post and heavy financial loss. Sri M. Suri Babu after reversion to lower post of Greaser, was promoted to the post of Driver w.e.f. 3-10-1983. Thus due to punishment of reversion the concerned work-

man was not only put to serious financial loss but he was also made junior in the category of Drivers. Therefore prayed that the Hon'ble Tribunal may be pleased to pass an award declaring the enquiry proceedings conducted in pursuance of the charge sheet issued by the Respondent dt. 23-4-1984 and the consequential order of reversion in proceeding dt. 31-3-1982 as illegal, invalid and arbitrary and direct the Respondent to place the concerned workman Sri M. Suri Babu in the original seniority list of drivers and to pay the difference of wages from 10-4-1982 to 3-10-1983 and notional increments for the same period.

3. The brief contents of the counter filed by the Respondent-Management read as follows :—

It is submitted that the allegation that Sri M. Suri Babu has been maintaining clear record is not correct and the petitioner is put to strict proof of the same. Sri M. Suri Babu while working as Driver (M.V.) was allocated to work on new Diesel Pick-up Van on 24-3-1981 in the 1st shift by the Shift Assistant Foreman, Sri D. V. Kanaka Rao, Sri M. Suri Babu refused to work on the said vehicle and when the Assistant Foreman reported the matter to the Executive Engineer (M), Ore Handling Complex, he abused and assaulted the Assistant Foreman, Sri D. V. Kanaka Rao, stating that he would see the end of the letter. Sri M. Suri Babu attended to the duty on 24-3-1981 in a drunken state and misbehaved before his supervisors. Therefore, he was issued a charge sheet for major penalty on the following two counts : (1) Sri M. Suri Babu while functioning as Driver (M.V.) was allocated to work on new Diesel Pick-up Van on 24-3-1981 in 1st Shift (i.e. 06.00 hrs. to 14.00 hrs.) by the shift Assistant Foreman Sri D. V. Kanaka Rao. He refused to work on the said vehicle. When the Assistant Foreman reported the matter to the Executive Engineer (M), OHC, who is incharge of the section. Sri Suri Babu abused and assaulted the Assistant Foreman Sri Kanaka Rao and said that he would see the end of latter. He also picked up a crow bar and threatened Sri Kanaka Rao. By the above act Sri M. Suri Babu exhibited gross misconduct and misbehaviour and in subordination towards his superiors. Thereby he violated Regulation 3 of Visakhapatnam Port Employees' (Conduct) Regulations, 1964. (2) That during the aforesaid period and while functioning in the aforesaid office, the said Sri M. Suri Babu, M. V. Driver attended to duty on 24-3-1981 in a drunken state in 1st shift and misbehaved as above while on duty and thereby, he exhibited gross misconduct and violated Regulation 19 of Visakhapatnam Port Employees' (Conduct) Regulations, 1964. As the employees denied the charges levelled against him, the case was remitted for enquiry. The Enquiry Officer held that the two charges levelled against the employee were proved. The Chief Mechanical Engineer (Disciplinary Authority) issued a show cause notice to the employee proposing major penalty of removal from service. The representation submitted by Sri Suri Babu to the above show cause notice was carefully considered by the Disciplinary Authority while not accepting the reasons offered in the representation, the Disciplinary Authority took a lenient view and awarded him with a lesser punishment of reversion to the lower post of Greaser. On appeal preferred by the employee, the Appellate Authority after having carefully considered the grounds of the appeal together with relevant papers of the case, found that the irregularity committed by the employee was a serious one and there was no case for his interference with the order of the Disciplinary Authority and the appeal of Sri Suri Babu was dismissed and the penalty imposed on him by the Disciplinary Authority was confirmed. The allegation that the Chief Mechanical Engineer considered the evidence recorded in domestic enquiry mechanically is not correct. Further the workman has made allegation stating that the domestic enquiry was not conducted properly and the Enquiry Officer has not permitted the workmen to examine the other witnesses is not correct, and the enquiry officer's findings and the en-

quiry proceedings are perverted and biased is also false. No biased attitude was adopted and the enquiry officer never has based his findings on the proceedings and the record. Without prejudice to the rights of the respondent management, it is respectfully submitted that in view of the allegation that the enquiry was not conducted properly, this Hon'ble Tribunal may be pleased to decide, the validity of domestic enquiry as preliminary issue and if any reason if this Hon'ble Tribunal comes to the conclusion that the domestic enquiry was not conducted properly, the Management may be permitted to prove the charges in the Court by leading evidence. It is submitted that the allegation made by the Union that the employee had been maintaining a clean record of service, is not correct, as he had previous punishment of stoppage of annual increment for taking the Port Vehicle unauthorisedly in the second shift on 22-5-1980. It is submitted that it is totally incorrect to alleged that the management witnesses who are examined on behalf of the management have categorically stated that the concerned workman did not abuse Assistant Foreman and he was not in drunken position at the time of incident. It is submitted that from the evidence of state witnesses viz. Sri K. K. Rao, Executive Engineer (Mechanical) and Sri R. V. R. Prasad, Asst. Executive Engineer (M), it is clear that the public servant was drunk while on duty on 24-3-1981 in the 1st shift and threatened the concerned Asst. Foreman Sri D. V. Kanaka Rao, with a crow bar. The Public servant had neither produced any witnesses nor could produce any evidence to rebut the above evidence. It is submitted that sub-regulation 15(a) of Regulation 10 of said Regulations, provides that the Enquiry Authority may in its discretion allow the presenting officer to produce evidence not included in the list given to the employee or may itself call for new evidence or recall and re-examine any witnesses and in such a case the employee shall be entitled to have a copy of the list of further evidence proposed to be let in and an adjournment of enquiry for 3 clear days before the production of such new evidence, exclusive of the day of adjournment and the day to which the enquiry is adjourned. It is further submitted that the Management after taking into consideration all material facts have given punishment and the punishment is reasonable and valid based on facts and as per the law. That the concerned workman, Sri M. Suri Babu was reverted to the lower post on illegal and untenable grounds is not correct. The allegation that the action of the Respondent-Management amounts to victimisation and unfair labour practice for trade union activities is denied. The punishment awarded to him for serious offence committed by him was not disproportionate and the same is justified.

4. W.W1 was examined on behalf of the Workmen and no documents were marked on its side. Whereas M.W1 to M.W3 were examined on behalf of the Respondent Management and marked Exs. M1 to M12.

5. My predecessor passed a Preliminary Order on 20-5-88 holding that the enquiry conducted by the Management is totally vitiated and it is not valid.

6. The point for adjudication is whether the action of the Management of Visakhapatnam Port Trust in reverting Sri M. Suri Babu, Driver as Greaser with effect from 10-4-1982 is justified ?

7. W.W1 is the concerned workman Sri M. Suri Babu. He deposed that he joined the Port in 1969 as a Khalási. He was promoted as Driver in 1975. On 24-3-1981 he was in 1st Shift i.e. from 6.00 a.m. to 2.00 p.m. He reported for duty on that by 6.00 a.m. as usual. As he wanted to go to hospital for half-an hour. He requested for permission from the Asst. Foreman D. V. Kanaka Rao. He refused to give him permission. Immediately he applied for leave by about 6.30 A.M. Leave was not granted. Hence waited till the arrival of the Section Head, the Executive Engineer one Mr. K. K. Rao. He granted leave on his leave letter then he left the office. He left the workshop by about 7.30 a.m.

No altercation took place between him and anybody also during this time i.e. 6.00 to 7.30 a.m. He is a Member of the Port and Dock Employees Association. Kanaka Rao the Asst. Foreman is the Vice President of the Harbour and Port Workers Union. The charge sheet issued against him is Ex. M6. His explanation dt. 28-5-1981 is Ex. M7. The report of the E. O. is Ex. M5. The show cause notice is Ex. M8. His explanation dt. 30-1-1982 is Ex. M9. and the reversion order are Ex. M10 dt. 31-3-1982. The appeal grounds are Ex. M11 dt. 30-4-1982 and the rejection of appeal is Ex. M12 dt. 28-6-1982. As a result of reversion, he was drawing the salary of Greaser Rs. 100 less than the Drivers basic pay and this is a permanent work reversion. Later on he was promoted as Driver again on 30-10-1983 as per the seniority list of Greasers. As a result of the punishment I became the junior most amongst the drivers and as a result, there is also monetary loss. Hence he prays his reversion orders may be set aside and the consequential amounts for which I am entitled to as Driver may be paid to him and his seniority also may be restored.

8. M.W1 is one D. V. Kanaka Rao. He deposed that he worked as Asst. Foreman in Mechanical Division at Visakhapatnam Port Trust till 27-7-1987. He knows the workman Sri M. Suri Babu who was working as M. V. Driver in his section. He allocate work to the Drivers and others in his department. On 24-3-1981 at 6 A.M. he allotted work to Sri M. Suri Babu to take the pickup van to C.C.P. Zone. Sri M. Suri Babu refused to obey his orders. So he posted as K. Ramamohan Rao to do the job allotted to M. Suribabu and he asked him to take up pickup van to C.C.P. Zone. Suribabu was in a high drunken stage. He was not in a position even to stand. Then he gave a Report to the Executive Engineer against Suribabu, on phone. Then the Executive Engineer asked him not to post Suribabu on duty as a driver as he was in a drunken stage. Then Suribabu went to Canteen which is nearby. Then Plant Superintendent by name K. Yellamada came for regular unit. Then Suribabu again came to the office. The Plant Superintendent asked Suribabu to apply for leave and get away from there. It was then 9.30 a.m. The Plant Superintendent went away. Then Suribabu went away to site office canteen. The Executive Engineer by name K. K. Rao came to the office for regular visits. It was then 10 A.M. Suribabu again came to the office and met the Executive Engineer. The Executive Engineer asked him to go on leave as he has in a drunken stage. Then Executive Engineer went away. Then Suribabu came against him armed with crow bar and abused him in a filthy language. One Chitti Babu who is working as a Checker Cautioned him stating that Suribabu was coming against armed with a crow bar. So he was afraid and he went to the site office on his scooter to save himself. Before going to site office, he tried to contact Executive Engineer on phone, but he could not do so. He tried to come back Executive Engineer at site office. The Executive Engineer was not available. Then he met Asst. Executive Engineer by name R. V. R. Prasad and told him that Sri Suribabu was coming against him armed with a crow bar to assault him and that he should protect him. Then Sri R.V.R. Prasad called Central Security Force and directing the guards of the C.S.F. to take Suribabu to the hospital for examination. S.V.R. Prasad phoned to Chief Warden, to identify Suribabu so that the C. S. F. Guards can take Suribabu to the hospital. C.S.F. guards went to his division and returned to site office within ten minutes. They informed him that they did not see Suribabu. He was at site office till 12 O'clock. Then he informed the incident to Executive Engineer by name K. K. Rao and plant Superintendent by name Yellamada. At 1.0 P.M. Executive Engineer enquired about the incident. Sri Suribabu abused him in filthy language as follows : "Langga Kodla, landiokodra, nee anthu chustanu, eenka bhootulu tiffinadu". He had no dispute whatsoever with Suribabu earlier. Suribabu signed in the attendance register. He was assigned to Suribabu in the allocation register. When he went site office, Suribabu struck off the entries in the attendance register as well as the entries in the allocation register. Normally, one is allotted as a driver to a particular vehicle for three months. He was examined in the domestic enquiry and Ex. M1 is his deposition running from pages 17 to 20 in the enquiry proceedings.

9. M.W2 is one K. Kameshwara Rao. He deposed that he is working as an Executive Engineer in Visakhapatnam Port Trust. He knows the case of the workman Sri Suribabu. On 24-3-1981 at about 6.30 A.M. the Asst. Foreman by name Sri B. V. Kanaka Rao (M.W1) telephoned to him, to his

house and informed him that Sri Suribabu driver is not following the allocation made by him. He has instructed Sri D. V. Kanaka Rao not to take him on duty if he refused to follow the allocation. He also told him, that he will come to the plant and sort out the problem. At 10.00 A.M. on 24-3-1981 he went to Locoshed. There Sri Kanaka Rao and Sri Suribabu both represented to him. Sri Kanaka Rao told him that Sri Suribabu did not follow the allocation. Suribabu represented that after staying for long time, he was not taken to duty. He found Suribabu in an intoxicated state. Having been the condition of Suribabu, he asked Suribabu to apply for leave for that day and to go away. Suribabu applied for leave for that day and he granted the leave. After that, he left the locoshed along with another Asst. Foreman by Sri Satyanarayana to Motor Vehicle Section, on some work. By about 12 noon, when he returned to in the site office, Sri R.V.R. Prasad, Asst. Executive Engineer informed him that there was some trouble between Suribabu and Kanaka Rao after he left locoshed. Sri R.V.R. Prasad also informed him that he had arranged C.I.S.F. Personnel to locoshed to see that Sri Suribabu might to sent away from that place. On hearing the same, he went to Locoshed immediately, to enquire the incident that took place after by departure. It was 12 noon. He met checker by name Chittibabu and an other Mechanic by name Chandraiah. The checker Sri Chittibabu informed him that there was an altercation between Suribabu and Kanaka Rao and Suribabu used some filthy language against Kanaka Rao. The Mechanic Chandraiah informed him that Sri Suribabu took tyre-lever from nearby the canteen and going towards Checker's Office. After enquiry then, he left to his office. He presumed that Suribabu might have gone to assault to Checkers Office where the Kanaka Rao was there. At about 3 P.M. Sri Kanaka Rao gave a complaint addressed to Chairman, to him for being forwarded to Chairman. Ex. M2 is the complaint given by Sri Kanaka Rao. On 2-4-1981, Sri Kanaka Rao gave another application marked as Ex. M3, in continuation of Ex. M2 stating that the dates of incident marked in the application i.e. 23-3-1981 may be read as 24-3-1981. He forwarded Ex. M2 with by covering letter along with his remarks marked as Ex. M4, on 25-3-1981.

10. The contention of the Petitioner-workman is that on 24-3-1981 the Petitioner workman was posted in First Shift i.e. 6.00 hours to 14.00 hours, that as he was not feeling well, he requested Asst. Foreman Sri B. V. Kanaka Rao to grant him permission to enable him to go hospital, that the said Asst. Foreman refused the permission and asked him to perform his duties, that the Petitioner has reported that in view of his ill-health he is not in a position to drive the vehicle, that the Asst. Foreman did not grant permission and asked to apply for leave, that during that time the Executive Engineer Sri K. K. Rao came to Locoshed and the workman concerned has informed him about his ill-health. On seeing the condition of the concerned workman, the Executive Engineer granted leave and the concerned workman left the workshop by 10.00 A.M. that on subsequent days, the Petitioner attended to his duties regularly, whileso, the Respondent placed him on suspension w.e.f. 4-4-1981, that subsequently charge sheet dt. 23-4-1981 was issued alleging that the petitioner abused and assaulted the Asst. Foreman Sri Kanaka Rao, that the Petitioner submitted his explanation dt. 28-5-1981 denying the charges and finally domestic enquiry conducted against the Petitioner. The further contentions of the Petitioner was that the Management witness who have examined in the enquiry on behalf of the Management have categorically stated that the concerned workman did not abuse the Asst. Foreman and he was not in drunken position at that time of incident. But the Enquiry Officer rejected the statement of eye witnesses and solely relied on the statement of the Asst. Foreman.

11. In rebuttal the argument of the Respondent-Management is that the Petitioner Workman while working as Driver (M.W.) was allocated to work on new Diesel Pick-up Van on 24-3-1981 in the 1st Shift by the shift Assistant Foreman, Sri K. V. Kanaka Rao, the Petitioner-workman refused to work on the said vehicle and when the Asst. Foreman reported the matter to the Executive Engineer (M), Ore Handling Complex, he abused and assaulted the Assistant Foreman Sri D. V. Kanaka Rao, stating that he would see the end of the latter. The Petitioner-workman attended to the duty on 24-3-1981 in a drunken state and misbehaved before his superiors. The Petitioner workman also picked up a crow bar and threatened Sri Kanaka Rao and by the above Act the petitioner workman exhibited gross misconduct and misbehaviour and insubordination towards his superiors and thereby the petitioner violated Regulation 3 of V.P.F. (Conduct) Regulations 1964, and also Regulation 19 of V.P.E. (Conduct) Regulations 1964.

12. I would like to mention that the Petitioner-workman submitted his elaborate explanation Ex. M2. In this Ex. M2 he clearly stated that he came to the workspot with ill-health and as driver of vehicle he had a doubt that he would not be able to drive the vehicle safely that he requested Sri Kanaka Rao, Assistant Foreman to permit him either to avail leave or to go to the Hospital, in the early morning itself on 24-3-1981. But Sri Kanaka Rao, Assistant Foreman refused to extend either of the opportunities and started teasing him. According to the explanation, in the meanwhile Sri K.K. Rao, Executive Engineer visited the Locoshed and when he reported these facts he kindly allowed him to apply for leave and go away. Immediately he applied leave and left the Locoshed. He denies the allegations in Charge 1 and Charge 2. He denies the allegation of the drunkenness and assaulting the abusing Kanaka Rao, Assistant Foreman. The most important supporting evidence in this case is Ex. M8, the proceedings of the enquiry including the findings of the enquiry officer. The eye witnesses to the incident were Sarvasri Chittababu and Chandraiah. The deposition of Chittababu clearly shows that the Petitioner-workman was not drunk when he came to duty when Sri Kanaka Rao Assistant Foreman was in 1st Shift. The Petitioner-workman went to him and asked for a white paper informing that he had taken the permission of Kanaka Rao for going to the hospital. The petitioner workman requested him to write a letter for permission for an hour. Then Kanaka Rao came to the window nearby and inquire whether the Petitioner-workman had given any leave letter as he advised him to apply for leave. Then he informed Assistant Foreman Kanaka Rao that the Petitioner-workman requested him to apply for leave for one hour permission to go to the hospital. The Assistant Foreman instructed him to write a leave letter instead of permission and informed that he did not give any permission to the Petitioner-workman. Then the petitioner workman wrote for one day's leave and presented it to the Executive Engineer. Then he left one place and returned after 30 to 45 minutes. He was in the normal condition. The witness clearly stated that there was a quarrel between Kanaka Rao and the Petitioner-workman and there was verbal argument, that he did not see him bringing the tyre lever. It can be seen from the evidence of D. Chandraiah that he clearly stated that he is not aware of any quarrel between the Petitioner-workman and the Assistant Foreman. The Executive Engineer had not made any enquiry from him. He never told the Executive Engineer that the Petitioner-workman had taken tyre lever to hit Sri Kanaka Rao. Asst. Foreman. On that day at 7.00 A.M. the petitioner-workman came there, that he was not in drunken condition he was talking well with him and he was alright. Now in the evidence of Sri Kanaka Rao, Assistant Foreman is that he gives his theory that the Petitioner-workman came in drunken condition that he was not in a position to stand and sit properly and then he made the allegation to the effect he was drunk. He claims that he advised the Petitioner-workman to apply for leave. He claims that at 10 a.m. K. K. Rao came there he saw K. K. Rao warning the Petitioner-workman and asked him to go away. The witness then claims that after the Executive Engineer's departure he went to the Supervisors room for his routine work and that the Petitioner-workman came to the room and started threatening with abusive, vulgar and harsh words. There is absolutely no mention that the Petitioner-workman is having crow bar or tyre lever. Kanaka Rao claims that after five minutes he went to Chittababu and informed him that the Petitioner-workman had a crow bar. Seeing his deposition, we find that the witness is trying to avoid the correct facts and attributes some versions as versions of witnesses who do not support his claim. When neither Chittababu nor Chandraiah speak about the incident mentioned in the charges 1 and 2 I am unable to understand how the charges are proved or established. I am fully convinced that the charges 1 and 2 are not properly established against the Petitioner-workman, and the Petitioner-workman was reverted to lower post is illegal and untenable.

13. In the result, the action of the Management of Visakhapatnam Port Trust in reverting Sri M. Suribabu, Driver as Greaser with effect from 10-4-1982 is not justified. The Respondent-Management is directed to place Sri M. Suribabu in the original seniority list of Drivers and pay him the difference of wages from 10-4-1982 to 3-10-1983 and notional increments for the same period.

Award passed accordingly.

Typed to my dictation, given under my hand and the seal of this Tribunal, this the 22nd June, 1993.

R. VENKATACHALAM, Industrial Tribunal-I

Appendix of Evidence.

Witnesses Examined for the Management :

M.W1

D.V. Kanaka Rao
(After Preliminary Point)

M.W2

K. Kameswara Rao
(After Preliminary Point)

M.W3

R.V.R. Prasad
(After Preliminary Point)

Witnesses Examined for the Workmen :

W.W1 M. Suri Babu

Documents marked for the Management :

Ex.M1

Part of Enquiry Report at page 10 (which is marked as Ex. M3 during the course of domestic enquiry)

Ex. M2

24-3-81

Complaint dt. 24-3-81 given by D.V. Kanaka Rao to the Chairman, Visakhapatnam Port Trust against Surilal u.

Ex. M3

2-4-81

Rejoinder to the appeal dt. 2-4-81 made by D.V. Kanaka Rao to the Chairman, Visakhapatnam Port Trust, Visakhapatnam.

Ex. M4

25/27-3-81

Remarks dt. 25/27-3-81 on the complaint of D.V. Kanaka Rao forwarded to C.M.E. Visakhapatnam Port Trust Ore Handling Complex by the Executive Engineer. (M)

Ex. M5

Statement of R.V.R. Prasad in Enquiry Report at page No. 9 (which is marked as Ex. M3 during the course of domestic enquiry).

Ex. M6

23-4-81

Memorandum of charge No. E/M/PC/4930/5098, dt. 23-4-81 (which is marked as Ex. M1 during the course of domestic enquiry)

Ex. M7

28-5-81

Explanation of M. Suribabu Driver (M.V) O.H.C. dt. 28-5-81 (which is marked as Ex. M2 during the course of domestic inquiry).

Ex. M8

2-12-81

Report of Enquiry Officer dt. 2-12-81 (which is marked on Ex. M3 during the course of domestic enquiry).

Ex. M9

30-1-82

Representation of M. Suribabu, Driver (M.V) O.H.C. dt. 30-1-82 to the show cause notice (which is marked as Ex. M5 during the course of domestic enquiry).

Ex. M10

31-3-82

Proceedings of disciplinary authority No. E/M/PC/4930/3639, dt. 31-3-82 (which is marked on Ex. M6 during the course of domestic enquiry).

Ex. M11

30-4-82

Appeal of M. Suribabu to the Appellate authority dt. 30-4-82 (which is marked as Ex. M7 during the course of domestic enquiry).

Ex. M12

28-6-82

Proceedings of the Appellate Authority No. A/7325/82 dt. 28-6-1982 (which is marked as Ex. M8 during the course of domestic enquiry).

Documents marked for the Workman:

NIL

नई दिल्ली, 6 जुलाई, 1993

का.आ. 1612:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार किंबुरु आयरन और माइन्स के प्रबन्धन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, धनवाद-II के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-7-93 को प्राप्त हुआ था।

[संख्या एल-26011/27/85-डी-III (बी)]

बी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 6th July, 1993

S.O. 1612.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Dhanbad II as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Kiriburu Iron Ore Mines and their workmen, which was received by the Central Government on 5-7-1993.

[No. L-26011/27/85-D.III (B)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri B. Ram, Presiding Officer.

In the matter of an industrial dispute under Section 10(1)(d) of the I. D. Act, 1947

Reference No. 5 of 1987 (Old)

Reference No. 264 of 1987 (New)

PARTIES :

Employers in relation to the management of Kiriburu Iron Ore Mines of M/s. SAIL and their workmen.

APPEARANCES :

On behalf of the workmen—Shri J. P. Singh, Advocate.

On behalf of the employers—None

STATE : Bihar

INDUSTRY : Iron Ore

Dhanbad, the 25th June, 1993

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 had referred the following dispute to the Central Government Industrial Tribunal No. 1, Dhanbad vide Ministry's Order No. L-26011/27/85-D.III(B), dated the 3rd August, 1987 and these said reference was registered there as Ref. No. 5 of 1987. Subsequently vide Ministry's Order No. L-26011/27/85-D.III (B) dated 24-8-87 the said reference has been transferred to this Tribunal and the said reference is registered here as Ref. No. 264 of 1987.

SCHEDULE

"Whether the management is justified in not fitting in Shri T. S. Rout, Overseer (Civil) at Kiriburu Iron Ore Mine in the pay scale of Rs. 810—1454 (N-8 Grade) as prevailing in Bolani Iron Ore Mine under SAIL? If not, what relief the workman is entitled to?"

2. Before dealing with the matter in controversy it may be pertinent to mention at the very outset that the argument of this reference has been heard ex-parte. The record will

reveal that on 16-3-93 Shri J. P. Singh, learned counsel for the workmen and Shri S. N. Choudhury learned representative of the management were present in the Court and the case was adjourned to 12-4-93 for argument or filing of the written argument, if any by the parties. I find that on 12-4-93 no argument could be heard and again it was adjourned to 7-5-93. On that day the learned counsel for the workman was present but nobody appeared for the management. It was again adjourned to 3-6-93 but on that day also none appeared for the management. However, I find from the order dated 7-5-93 that a registered notice was issued to the management for appearance in the case and it was posted for argument on 4-6-93. I find that there was no response from the side of the management on 4-6-93 and ultimately the argument had to be heard ex-parte.

3. Shri T. S. Rout, the concerned workman wants that he should be fitted in the scale of Rs. 810—1454 (N-8 grade) which is prevalent in Bolani Iron Ore Mines, a sister concern of SAIL. Shri Rout is a Civil Overseer in Kiriburu Iron Ore Mines under the same company of SAIL.

4. It is stated that prior to 1-5-78 Kiriburu Iron Ore Mine was owned by National Mineral Development Corporation Ltd. (hereinafter referred to as NMDC), a Government of India undertaking. But since after 1-5-78 it has become a part of SAIL.

5. It is further stated that the Kiriburu Iron Ore Mines (KIOM) is a captive mine of Bokaro Steel Plant of SAIL and it is much bigger mine in the matter of production than Bolani Iron Ore Mines which is also a captive mine of Durgapur Steel Plant. The workmen including Technicians and the Overseer are required to shoulder much bigger responsibility in performance of their work than the corresponding staff of Bolani Iron Ore Mine, previously owned by a private sector viz., Bird and Co. The production capacity of Bolani Iron Ore Mines is much less than that of KIOM of SAIL.

6. It is stated that the management unjustly and improperly fitted the concerned workman in the pay scale of Rs. 430-20-670 with effect from 1-5-78 and revised the scale of pay of Rs. 530-26-894 with effect from 1-9-78 and further revised in the scale of Rs. 690-32-914-34-1152 (N-6). Further the concerned workman was upgraded in the scale of Rs. 750—1303 (N-7) with effect from 5-8-86 without any change in his status or designation. On the other hand in Bolani Iron Ore Mine of SAIL the standard scale of pay of an Overseer is Rs. 810-44-1116-48-1454 (N-8). The concerned workman wants this scale of pay with all consequential benefits with retrospective effect.

7. The management by filling W.S. has denied the claim of the concerned workman. According to the management Shri T. S. Rout the concerned workman is not a workman within the meaning of the I. D. Act. It is stated that the concerned workman has rightly been fitted in N-6 grade with effect from 1-5-78 and there is no justification for any fitment in P-8 grade with effect from 1-5-78 in S-8 grade with effect from 1978 and N-8 grade with effect from 1-9-82.

8. It is stated that Shri Rout was a matriculate and was appointed as Work Assistant by the erstwhile NMDC on 26-1-60 in the pay scale of Rs. 60—105. He was promoted to the post of Sub-Overseer on 27-12-69 in the pay scale of Rs. 150—240. He was promoted to the post of Overseer on 11-11-74 in the scale of Rs. 415—631. Admittedly, KIOM where Shri Rout was working was transferred to SAIL as captive mine of Bokaro Steel Ltd. with effect from 1-5-78. On transfer there was an integration of pay scale on the basis of tripartite settlement dated 6-9-79. But Overseers were kept out of purview of the aforesaid settlement. The integration of pay scale of Supervisors was done under the separate Memorandum of settlement dated 24-10-80 arrived at between the management of BSL and the Supervisors Association. This settlement included the scale of Shri Rout also.

9. It is stated that consequent upon transfer of KIOM to SAIL as captive mine of BSL the concerned workman was fitted in BSL scale of pay of Rs. 430—670 under (Grade P-6) with effect from 1-5-78 and lastly in the scale of Rs. 750—1303 (Grade-N-7) with effect from 11-8-86. The management stated that in Bolani Iron Ore Mines there were two Overseers at the time of take over by SAIL and both of them were in B-VIII grade of M/s. Bird and Co. in the scale of Rs. 450—770 which was revised to P-8 from 1-1-78 S-8 from 1-1-80 and N-8 with effect from 1-9-82. Apart from that the Overseer in Bolani Iron Ore

Mines are Diploma holders in Civil Engineering. On these grounds it was stated that the concerned workman has got no claim and the reference be answered accordingly.

10. The only question for consideration is as to whether the concerned workman can be provided with the scale of Overseer prevalent in Bolani Iron Ore Mines?

11. Admittedly, KIOM and Bolani Iron Ore Mines were transferred to SAIL as captive mine of B.S.L. and Durgapur Steel Plant on 1-5-78 and 1-1-79 respectively. It was also admitted that the concerned workman was in the scale of Rs. 750—1303 under Grade N-7 with effect from August, 1986. Now he wants Grade N-8 in the scale of Rs. 810—1454 which is prevalent in Bolani Iron Ore Mine. According to the management the integration of pay scale of Supervisors was done under the separate Memorandum of settlement dated 24-10-80 arrived at between the management of Bokaro Steel Plant and the Supervisors Association. This settlement included the scale of Overseer including Shri Rout but the workman has to say that he or any Overseer, KIOM were never the members of alleged supervisors association. Shri T. S. Rout has asserted this fact while deposing as WW-1. It was suggested to him that he was a member of that Association but he denied that suggestion. I think the workman is not supposed to prove negative. It was for the management and the management alone to prove that Shri T. S. Rout was the member of Supervisors Association. It was contended that since the concerned workman was not a member of supervisors association, the terms of settlement dated 24-10-80 was not binding upon him. The witness Shri Rout stated that he was declared supervisor in the year 1979 which he accepted. Particularly it had to be noted that the concerned workman was declared supervisor on 24-9-79 under Ext. M-3 while the settlement was arrived at in October, 1980.

12. The next point taken by the management was that the Overseer in Bolani Iron Ore Mines are diploma holders in Civil Engineering but the concerned workman was simply a matriulate. The concerned workman stated in his evidence that he passed Intermediate examination in 1960. Be that as it may it makes no difference whether he was a matriulate or intermediate passed. The question is whether an Overseer a diploma holder is entitled for higher scale of pay than his counterpart Overseer having lesser qualification. We have no document to appreciate this fact. Besides this in principle after transfer of these two iron ore mines in SAIL there should be standardisation of pay scale of the employees of the various categories and be placed in the same and similar scale of pay. At this stage reference was made to the memorandum of agreement dated 19-6-79 of the National Joint Consultative Committee arrived at between all the management of steel industry, Steel Plant including BSL and DSP and all Central Trade Union organisations. Para 2.8 deals with the standardisation Committee which provides as follows :—

"2.8.1 There should be standardisation of scales of pay and nomenclature in the steel industry. In spite of the best of efforts and having made certain advances towards that objective, it has not been possible to place the employees of different categories in all the steel plants in uniform pay scales and nomenclatures. Therefore, the standardisation Committee will continue its work in this direction during the period of this agreement.

2.8.2 The National Joint Consultative Committee will supervise and ensure the working of the Standardisation Committee. The conclusions of the Standardisation Committee will be placed before the National Joint Consultative Committee and the decision of the latter thereon will be binding on the parties.

2.8.3 The terms of reference for the Standardisation Committee apart from recommendations for the standardisation of scales of pay and job nomenclature will be standardisation of leave and medical benefits, pay scales of ministerial staff, staff of education department and medical department, standardisation of dearness allowance slabs, retirement age and such other matters as may be referred to by the National Joint Consultative Committee from time to time."

Standardisation of scale of pay and nomenclature in the Steel Industry was again stressed in the memorandum of agreement dated 25-5-1983. This means standardisation of

the scale of pay in the Steel industry was need of the hour and its implementation was canvassed consistently. In other words the SAIL should have standard scale of pay in respect of various categories of employees. The concerned workman had joined the post of Overseer on 14-11-74 (F.N.) vide Ext. M-8 and since then he was expected to have gained much experience in his profession. I think there can be no rule of prudence that a qualification should be the consideration in the scale and promotion.

13. In the W.S. of the management it is stated that the service condition of the non-executive employees working at KIOM and Bolani Iron Ore Mines are not exactly the same and two standards are followed in these mines. Even otherwise service condition of non-executive under SAIL are not uniform in all units. In this connection we may have reference to the evidence of MW-1 Shri C. K. Mishra, Dy. Chief Personnel Manager. Before dealing with the evidence of this witness it may be pertinent to note that both the mines are situated contiguous to each other only demarcated by a thin boundary line and this aspect of the matter has not been denied by the management. Shri Mishra, MW-1 has stated that environmental condition of both the mines are the same. He stated that after take over of the Bolani Iron Ore Mines by SAIL, the scale of SAIL was correspondingly integrated with the scale of Bird and Co. He further stated that the scale of the worker of SAIL and KIOM and that of Bolani after take over became the same. According to him in SAIL most of the Units carry the same scale regarding workmen, Overseer etc. After take over of Bolani Iron Ore mine there was integration of pay scale and two Overseers of Bolani were placed in Grade-8 from 1-9-82 and this fact finds support from Ext. M-10. This means the scale of SAIL was given to the Overseer of Bolani Iron Ore Mine. I think this was not done in case of Shri Rout, an Overseer of KIOM. The witness further stated that Durgapur Steel Plant is just like Bokaro Steel Plant under the SAIL. He has proved an extract copy of Personnel and Wage Manual of D.S.P. (Ext. W-1) wherein the pay scale of AE/Overseer have been shown as Rs. 650—1140 under grade S-8. Lastly the witness stated that there was different scale of pay in Bokaro Steel Plant from that of Durgapur Steel Plant. We have no paper/document to support this fact. Anyway there can be no reasonable excuse for maintaining two different scales if at all it was in existence as stated by the witness. However, in concluding line of his deposition the witness stated that the scale prescribed by SAIL is not subject to any change by any settlement between the management and the workmen.

14. The learned counsel for the workman contended at this stage that the contents of para 8 of the W.S. has not been specifically denied by the management wherein it has been specifically stated that KIOM is a very much bigger mine in the matter of production and productivity than Bolani Iron Ore Mine, a captive mine of D.S.P. and that the workmen namely Overseer and technicians of KIOM have very much bigger responsibilities and more function than the corresponding staff (Overseer) of Bolani Iron Ore Mine. Even the production capacity of Bolani Iron Ore Mine is much less than the KIOM. In the circumstances it was contended that the Overseer and other staff of KIOM should have been rather placed in higher scale than Bolani. I find no reason to disagree with the contention raised by the learned counsel. The learned counsel in his continued argument submitted that under the Constitution of India Article 14 and 16 makes specific provision of equal pay for equal work. Shri Rout being an Overseer of KIOM, a bigger industrial unit was discharging more responsibility than the Overseer of his counterpart of Bolani Iron Ore Mine and so there was no question of any discrimination in the scale of pay and in no case the qualification should be the criteria for any difference of pay.

15. In the W.S. of the management it has been stated that Shri Rout, the concerned workman was not a workman within the meaning of Industrial Disputes Act. He was declared supervisor and so he was not a workman. Ext. M-1 is the letter of request by Shri Rout and others to the Chief Engineer for declaring them as Supervisor. Ext. M-2 is individual letter of Shri Rout in this regard. Ext. M-3 is the office order declaring Shri Rout and others as Supervisor. It is dated 24-9-79. Ext. M-4 is the Joining Report of Shri Rout as Overseer in the scale of Rs. 750—1303 (N-7) on 11-8-86 F.N. Ext. M-5 is the office order promoting Shri Rout and Shri B. K. Chatterjee in Grade N-7.

It is dated 5-8-86. This grade N-7 was given only because Shri Rout had already served for more than 10 years in one scale and it was done in consequence of implementation of service linked advancement scheme issued vide Circular dated 25-9-78 (M-6).

16. The 'workman' has been defined under Section 2(s) of the I. D. Act, 1947. The supervisors have not been outset from the definition of workman but a distinction has been made that one being employed in supervisory capacity draws wages exceeding 1600 per mensem of exercises either by the nature of the duties attached to the office or by the reason of the power vested in him, functions mainly of managerial nature will not be included in the definition of workman. Here it was the duty of the management and management alone to prove that the concerned workman after having declared a supervisor was getting salary of Rs. 1600 or more. The duty assigned to the concerned workman should have also been proved just to thwart the claim of the concerned workman. I find that nothing has been done in this case and the concerned workman only being declared as Supervisor cannot be outset from the definition of workman. Only a few years back he was Overseer. According to the workman he has been discharging the same duty of an Overseer.

17. I have considered every aspect of the matter and I am satisfied to hold the view that Shri T. S. Rout deserves consideration for fitment of his pay in the scale of Rs. 810—1454 (N-8) grade as prevailing in Bolani Iron Ore Mines. In the order of reference it has not been mention that the concerned workman should be provided with this pay scale with retrospective effect. In the circumstances the management is directed to place the concerned workman in the scale of Rs. 810—1454 (N-8) grade within 2 months from the date of the publication of the Award.

This is my Award.

B. RAM, Presiding Officer

Dt. 25-6-93

नई दिल्ली, 6 जुलाई, 1993

का.आ. 1613:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्तर्गण में, केन्द्रीय सरकार इंडियन एयर लाईन्स, एयर लाईन्स हाऊस के प्रबन्ध-तंत्र के संबंध निर्योजकों और उनके कर्मचारों के बीच, अन्तर्गण में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कोल्लम के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-7-93 को प्राप्त हुआ था।

[संख्या एल-11012/18/91-आई आर (Misc.)]

वी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 6th July, 1993

S.O. 1613.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Court of Industrial Tribunal, Kollam as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Indian Airlines, Airlines House and their workmen, which was received by the Central Government on 5-7-93.

[No. L-11012/18/91-IR(Misc.)]

B. M. DAVID, Desk Officer

ANNEXURE

IN THE COURT OF THE INDUSTRIAL TRIBUNAL, KOLLAM

(INDUSTRIAL TRIBUNAL, KOLLAM)

(Dated this the 3rd day of June, 1993)

PRESENT

SRI C. N. SASIDHARAN
INDUSTRIAL TRIBUNAL

IN

INDUSTRIAL DISPUTE No. 5/92

BETWEEN

The Regional Director, Indian Airlines, Airlines House, Meenambakkom, Madras-27.

(By Shri Menon & Pai, Advocates, Ernakulam).

AND

Shri P. G. Ajayakumar, Girija Vilasom, T.C. 46/563, Peonthura P.O., Trivandrum.

(By Shri P. Sukumaran Nair, Advocate, Trivandrum).

AWARD

This reference has been made by the Government of India as per Order No. L-11012/18/91-IR(Misc) dated 28-1-1992 to this Tribunal for adjudication.

The issue for adjudication is the following :

"Whether the action on the part of the Management of Indian Airlines in denying employment to Shri P. G. Ajayakumar, Casual Cleaner-cum-Sweeper beyond 13-1-1991 is fair and justifiable? If not, to what relief the workman is entitled?"

2. The workman Sri Ajayakumar has filed a detailed claim statement before this Tribunal and his contentions are briefly as below : The workman was first appointed as a Casual Cleaner-cum-Sweeper in the service of management with effect from 28-1-1987 on compassionate grounds. His brother who was working under the management met with an accident while on duty and he was immobilised and hence the workman was appointed. He was full time cleaner-cum-sweeper from 28-1-1987 to 13-1-1991. He has been paid Rs. 28 per day and his service was continuous without any break. The management continued to employ him as casual for years together without giving permanency. He was not paid arrear of pay and allowances. He made periodical requests for regularisation. When he was asked to sign some papers during the month of October, 1990 the Senior Plant Engineer and office superintendent threatened the workman with the terror of termination and he was constrained to sign such papers forcibly without his consent. The management change the wording in the temporary pass and in the bills of the workman as 'for cleaning and washing' instead of 'for cleaning and sweeping'. On 14-1-1991 when he reported for his work as usual the Senior Plant Engineer did not allow the workman to do his work and insisted for payment of security and he was told that he had already accepted the contract work for cleaning and

washing of the vehicles. He has not executed any paper accepting contract work. His work under the management was regular service under the direct control and payment of management. The management fabricated such false documents. He belongs to fishermen community. He was denied employment from 14-1-1991 without any reason though he was regularly presented himself for attending his work. The action of management is highly irregular and illegal. The management at the same time appointed one Sri Anilkumar through a contract as cleaner-cum-sweeper with a salary of Rs. 2,000 per month. This alternative appointment is illegal and unfair labour practice. He was not served with any notice for the termination. The prayer is for reinstatement in service and for confirmation in the post of cleaner-cum-sweeper with arrears and all other benefits.

3. The management oppose the case of the workman. The contentions of management are briefly as below : The management is a statutory corporation fully owned by Government of India. The conditions of service and terms of employment are governed by the regulations made under Section 45 of the Air Corporation Act, 1953. The appointments under the management are made strictly in accordance with the Recruitment and Promotion Rules approved by Government of India and other guidelines issued by Government from time to time. Indian Air Lines issues notifications calling for applications for various posts. The candidates on the basis of merit are offered appointment based on vacancies. The offers are made keeping in mind the reservation for Scheduled Caste/Scheduled Tribe, Ex-servicemen and physically handicapped. Sri P. G. Ajayakumar was engaged for sweeping and cleaning of the floor of the grounds support hangar at Trivandrum Airport with effect from 27-1-1987. The consideration was Rs. 25 per day and the work was part time in nature. The work for a period of 3 to 4 hours every day and he was engaged on contract basis. He was an independent contractor and not a workman as defined under Industrial Disputes Act, 1947 (the Act for short). He was claiming the contract amount by submitting bills. In October, 1990 a contract was finalised for claiming and sweeping of All India Air Lines premises at Trivandrum Airport. The contract was awarded to Sri T. Anilkumar at a monthly consideration of Rs. 2000. The contract was valid for a period of two years with effect from 1-10-1990. At that time there was no sweeping work to be done and Sri Ajayakumar offered his service for washing of grounds support equipment on contract basis. He has also submitted a quotation stating that he will arrange to clean and wash all grounds support equipments daily @ Rs. 950 per month. The management decided to award the work of cleaning to Sri Ajayakumar. But he did not accept the offer also did not report for work from middle of January, 1991. For the period the workman was paid the contract amount of Rs. 25 per day from October, 1990 to middle of January, 1991 for cleaning of grounds support equipment. This work is also part time in nature and Sri Ajayakumar used to claim the contract amount by submission of bills periodically. The workman did not accept the offer for cleaning and washing of Indian Air Lines grounds support equipments and unilaterally chose not to

report for work and terminated the contract arrangement. He was not a casual employee and there is no need for a full time vehicle cleaning or full time sweeper for the grounds support department. Therefore he has no right to get permanency. The workman himself committed breach of contract and he is not entitled to any relief. The brother of the workman did not met with any accident while on duty. The brother of the petitioner Sri Rajan could not come for work and deputed the workman to continue contractual arrangement. The workman was not a full time cleaner-cum-sweeper for the working hours from 7 AM to 6 PM. There was no employer-employee relationship between the management and the workman. The engagement was a contract for work. His work was cleaning of the premises in the morning and evening and not for the full day. He is not entitled to any arrears of pay nor for permanency. There is no question of changing the wording in the temporary pass and the bills as alleged. He did not come for work from 14-1-1991 and thus unilaterally terminated the contractual arrangement. The contract had been awarded to one Sri Anilkumar. The workman was not willing to stand by his quotation for washing and cleaning of grounds support equipment and unilaterally terminated the contractual arrangement. He is not entitled to any notice and not entitled to any relief under Industrial Disputes Act. The management do not have any sanctioned post of sweeper at Trivandrum Airport against which the workman can be considered. The workman was not entitled to reinstatement or any other relief.

4. The workman has filed a replication denying the case of management and reaffirming the contentions advanced by him.

5. The evidence consists of both oral and documentary. The workman examined himself as WW1 and Exts. W1 to W8 have been marked on his side. The Senior Plant Engineer of the management was examined as MW1 and Exts. M1 to M5 have also been marked on the side of the management.

6. The case of the workman is that he was appointed as casual cleaner-cum-sweeper from 28-1-1987 by the management and continued there till 13-1-1991 continuously. According to the workman the management denied him employment beyond 13-1-1991 illegally and the prayer is for reinstatement in service with all benefits. The management is admittedly a public sector undertaking fully owned by Government of India. Ext. M3 is the Recruitment and Promotion Rules and as per Ext. M3 the appointments in the management are governed by these Rules. MW1, the Senior Plant Engineer of the management has deposed the mode of recruitment of employees under the management. Whenever there exists a vacancy notification will be published in the newspapers calling for applications and there will be test/interview for selection according to MW1. In the present case even according to the workman he has not seen any advertisement regarding recruitments of employees in the management and that he has not made any application after seeing any such advertisement. It is true that he has deposed as WW1 that he had submitted application for employment and there was interview.

But there is no documentary evidence in support of the statement of WW1. He could not even state the date of alleged interview. Further according to him he was interviewed by MW1 but not a single question was asked to MW1 in this regard. Further WW1 has no case that he was served with appointment order and no such appointment order has been produced. The above aspects make it clear that the workman was not appointed by the management following the recruitment procedure and as per Ext. M3 Rules.

7. The workman was admittedly engaged there for a consideration of Rs. 25 per day for sweeping and cleaning of the floor of the ground support hanger at Trivandrum Airport. According to the management the above work was given on contract and there was no fixed working hours for carrying out the contract work by the workman. Ext. M2 is one of the bills submitted by the workman for claiming contract amount. In Ext. M2 it is specifically stated that the payment is towards contract charges. The evidence let in by the parties prove that the contract for cleaning and upkeep of the management premises of Trivandrum Airport including the ground support department was awarded to one Sri Anil Kumar, contractor at a monthly consideration of Rs. 2,000. According to management consequent to the award of such contract there was no sweeping work to be done. MW1 has deposed that when sweeping work was over the management offered cleaning work to the workman on contract basis. As per Ext. M1 quotation the workman offered his service for washing of ground support equipment on contract basis and he has quoted Rs. 950 per month for cleaning and washing. According to the management they accepted the offer and awarded the work to the workman but he did not accept the offer and also did not report from the middle of January, 1991. According to the workman he had signed Ext. M1 forcibly as a result of coercive acts done by the management without fully knowing the contents and he has not made any such offer. But he has not made any complaint to anybody that he had put his signature as contended by him. So this contention can be considered only as an after thought and cannot be accepted. On the other hand the statement of the workman during his cross examination is a clear admission that he was working as a contractor. He has stated as below:

(Statement is in Regional Language)

It is pertinent to note that Ext. W6 is a document produced and marked by the workman. Ext. W6 and Ext. M1 considered together will show that the workman was only a contractor and that he was not engaged as a casual employee. That being the case the question of denial of employment does not arise.

8. The workman has a case that he was engaged as a casual cleaner-cum-sweeper on compassionate ground after his brother Sri Rajan who was working under the management met with an accident. Management has admitted that Sri Rajan was working on contract arrangement only and that he did not turn up after October, 1986 and thereafter Sri Rajan deputed his brother, the workman, to continue the contractual arrangement. There is no concrete evidence to show that the workman was taken as a

employee on compassionate ground. According to the workman in Ext. W1-series he is not described as a contractor and that the management has admitted that he was working as a casual cleaner-cum-sweeper from 28-1-1987. It is true that in Ext. W1-series requests for renewal of temporary pass the workman was not described as a contractor. But there is no admission by the management either in the written statement or in the deposition of MW1 read as a whole. What was deposed by MW1 was regarding the nature of contract work carried out by the workman which does not mean that the workman was working as a casual employee. It may be recalled that the management is a public sector undertaking and if the workman was engaged as a casual employee he will be given all the statutory benefits like PF, Bonus etc. But the workman was not given any such benefits. He has also no case that he had made any complaint for non payment of such statutory benefits during the period he was carrying out the work. On the other hand he has admitted that he was not paid PF, Bonus or any such benefit and that he has not claimed such benefits. Merely because he is not described as contractor in Ext. W1-series he cannot be considered as an employee in the light of the circumstances mentioned above. The above circumstances clearly establish that Sri, Ajaykumar was not a casual employee of the management but he was engaged only as a contractor. Since he was only a contractor there can never be an industrial dispute between him and the management. Therefore the reference order itself is bad in law.

9. The case of the workman is that he had continuous service under the management on appointment as casual cleaner-cum-sweeper and that the management has denied him employment. As I have stated above he was paid only Rs. 25 per day and he was not paid any other benefits or allowances. That itself proves that he was engaged on a day to day basis only. Even assuming that he was engaged as a casual employee the provisions of Section 2(oo) and Section 25F of the Industrial Disputes Act have no application in this case. There is no evidence that he was appointed by the management and that he was a regular employee. The evidence on record shows that he was engaged on a day to day basis for the period from 27-1-1987 to 13-1-1991. MW1 has deposed that now there is no vacancy for casual employee. Further it is now well settled that casual employees have no legal right to claim continued employment. After the amendment in the year 1984 to Section 2(oo) of the Act the stoppage of engagement of a casual employee will not come within the purview of Section 2(oo) and such stoppage of engagement cannot be considered as retrenchment. The High Court of Madras had occasion to consider the question whether casual and temporary employees on termination after the expiry of the period for which employed can claim reinstatement in the case between Crompton Engineering Company Vs. Additional Labour Court [75 (i) L.J. 207] and held in para 5 of the judgement that though casual employees may fall within the scope of the definition of workman in Section 2(s) though casual employees may fall within the scope of definition of "workman" in Sec. 2(s), such employees are not entitled to reinstatement since an order of reins-

statement postulates the existence of a post in which a particular person was working and with reference to which his employment was terminated. When there was no post and there was no termination of employment, but only there was the employment of a particular individual for a specific period or for a specific work, the employment automatically came to an end on the expiry of such period or after the work was over, and consequently, there was no termination and there was no question of reinstatement.

The Madras High Court has further held that there is no principle or provision of law entitling a casual workman to reinstatement simply because he was so employed more than one occasion or he so worked for a long period of time. The observation made by the Supreme Court in a recent decision in the case between the Director, Institute of Management Development Uttar Pradesh and P. Sreevasthava [1993(i) LLJ 190] is worth quoting as below :

“To our mind it is clear that where the appointment is contractual and by efflux of time, the appointment comes to an end, the respondent could have no right to continue in the post. Once this conclusion is arrived at, what requires to be examined is, in view of the services of the respondent being continued from time to time on adhoc basis for more than a year, whether she is entitled to regularisation? The answer should be in the negative.”

In the light of the above decisions the workman in the case before me has no right to claim continued engagement or employment.

10. The management is a public sector undertaking and the recruitment can be made only after following the procedure according to Ext M3 recruitment and promotion rules. The management being fully owned by Government of India cannot give employment to a person who was engaged for some time as a casual employee or as a contractor without following the procedure as per Ext. M3. If any appointment is made without following the relevant Rules that will affect eligible candidates which will amount to violation of Articles 14 and 16 of the Constitution of India as pointed out by the learned counsel for the management Sri Koshy. The learned counsel has brought to the notice of this Tribunal a Division Bench decision of the High Court of Kerala in P. Karunakaran Vs. Chief Superintendent and others [1988(i) KLT 570] in support of this argument. The High Court was considering the claim by some persons employed by private contractor for absorption in the service of Southern Railway. The High Court has held thus in paragraph 7 :—

“It is of vital importance in a country like ours where there is large scale unemployment that we should not ignore, the possibility of infringing fundamental rights in the matter of equality of opportunity of young men who are entitled to seek equal opportunity in the matter of employment in Public Service. Persons who thus get entry into the private employment under a contractor not wholly based on consideration of merit and

not by giving equality of opportunity in the matter of employment if allowed to enter into regular service by their absorption in railway it will entail infringement of equality of opportunity for young men in the country in the matter of seeking employment in the railway administration”

In the light of the above observation of the Supreme Court the argument of the learned counsel Sri Koshy is well founded and has to be accepted.

11. The decision of the Supreme Court in DDH Employees Union Vs. Delhi Administration and others [1992(ii) LLJ 452] pointed out that the practice of continuing employment on the ground that a casual or temporary employee had worked 240 days in a year will lead to a good deal of illegal employment in market. The observations of the Supreme Court in paragraph 23 of the judgment reads thus :-

“Apart from the fact that the petitioners cannot be directed to be regularised for the reasons given above, we may take note of the pernicious consequence to which the direction for regularisation of workmen on the only ground that they have put in work for 240 or more days, has been leading. Although there is Employment Exchange Act which required recruitment on the basis of registration in the Employment Exchange, it has become a common practice to ignore the Employment Exchange and the persons registered in the Employment Exchanges, and to employ and get employed directly those who are either not registered with the Employment Exchange or who though registered are lower waiting list in the Employment Register. The courts can take judicial notice of the fact that such employment is sought and given directly for various illegal considerations including money. The employment is given first for temporary periods with technical breaks to circumvent the relevant rules, and is continued for 240 or more days with a view to give the benefit of regularisation knowing the judicial trend that those who have completed 240 or more days are directed to be automatically regularised. A good deal of illegal employment market has developed resulting in a new source of corruption and frustration of those who are waiting at the Employment Exchanges for years. Not all those who gain such back-door entry in the employment are in need of the particular jobs. Though already employed elsewhere, they join the jobs for better and secured prospects. That is why most of the cases which come to the courts are of employment in Government Departments, Public Undertakings or Agencies. Ultimately it is the people who bear the heavy burden of the surplus labour. The

other equally injurious effect of indiscriminate regularisation has been that many of the agencies have stopped undertaking casual or temporary works though they are urgent and essential for fear that if those who are employed on such works are required to be continued for 240 or more days have to be absorbed as regular employees although the works are time-bound and there is no need for the workmen beyond the completion of the works undertaken. The public interests are thus jeopardised on both counts."

The Supreme Court in the case between Institute of Management Development Uttar Pradesh Vs. Pushpasreevasthaya (892 FJR 565) held that a person who appointed on contractual basis has no right to claim continued employment. The High Court of Kerala has held as early in 1986 in the decision in Eramalloor Service Co-operative Bank Ltd. V. Labour Courts and Others [86(ii) LLJ 492] that if the appointment is made without complying the formalities the service of such an appointee can be terminated without complying with the provisions of Section 25F of the Act. The above decisions fully negative the claim of the workman that he is entitled to reinstatement and permanency on the ground that he was employed as a casual employee for a long period.

12. The learned counsel for the workman placed reliance on a decision of the High Court of Calcutta in Smt. Pratima Sarkar V. State of West Bengal [1992 (ii) LLJ 702] in support of the argument that the workman is entitled to reinstatement and permanency. The facts involved in that case are entirely different. There the petitioner worker was admittedly engaged as typist continuously styling as contingency worker and the job was of perennial nature. But in the instant case I have found on the evidence that the workman was only a contractor and not an employee. Further in the light of the decisions of the Supreme Court mentioned above, the decision of the Calcutta High Court cannot be considered as good law. The other decision relied on by the learned counsel for the workman in Union of India V. Basanth Lal and Others [1992 (ii) LLJ 60] the Supreme Court considered the applicability of Rule 2304 of Indian Railway Establishment Manual which is not applicable at all in the case before me and therefore this decision also will not come to the rescue of the workman.

13. As I have held above the workman was engaged as a contractor in the management establishment which is an International Airport. Admittedly entry passes are required for entering the premises which is a prohibited area. It is noteworthy that the workman had produced certain documents which are kept in the custody of the management which he had managed to get without the knowledge or consent of management. This instance alone will show that the workman is not at all trustworthy and the reengagement of such a person cannot be considered at all in the management establishment.

14. In the result, an award is passed holding that there is no valid industrial dispute and there was no denial of employment to the workman Sri P. G. Ajayakumar by the management and therefore he is not entitled to any relief in this reference.

C. N. SASIDHARAN, Industrial Tribunal.

APPENDIX

Witness examined on the side of worker

WW1. Sri P. G. Ajayakumar.

Witness examined on the side of the management

MW1. Sri V. Remash

Documents marked on the side of the workman

Ext. W1-series (4 nos.) Photocopies of letters addressed to the Controller of Airodroms from the Senior Plant Engineer of the management for renewal of temporary pass issued to Sri P. G. Ajayakumar.

Ext. W2. Photocopies of letters addressed to the Controller of Airodroms from the Senior Plant Engineer of the management for renewal of temporary pass issued to Sri P. Rajan dated 3-3-1986.

Ext. W3. Photocopies of employment certificate issued to Sri P. Rajan from the management dated 1-5-1988.

Ext. W4-series (3 nos.). Photocopies of letters addressed to the Controller of Airodroms from the Senior Plant Engineer of the management for renewal of temporary pass issued to Sri D. Haridasan.

Ext. W5. Photocopy of letter addressed to Director, International Airport Authority, Trivandrum from Senior Plant Engineer for renewal of temporary pass issued to Sri K. Sukumaran Nair.

Ext. W6-series (3 nos.) Copies of attendance registers for the months January, September and October, 1990.

Ext. W7-series (4 nos.) Photocopies of bills submitted by the workman Sri Ajayakumar to Senior Plant Engineer.

Ext. W8. Photocopy of petition submitted by Sri Ajayakumar to the manager, personal service of management dated 22-1-1991.

Ext. W8-A. Postal receipt.

Ext. W8-B. Postal acknowledgement.

Documents marked on the side of the management

Ext. M1. Photocopy of letter sent by Sri Ajayakumar to Senior Plant Engineer of management dt. 30-10-1990.

Ext. M2. Photocopy of bill submitted to the Senior Plant Engineer by Sri Ajayakumar dated 4-12-1990.

Ext. M3. Photocopy of Recruitment and Promotion Rules of management.

Ext. M4. Photocopy of the contract framed on 9-1-1991 to be awarded to Sri Ajayakumar.

Ext. M5. Photocopy of the Proceedings of management for approval of Ext. M1 quotation sent by Sri Ajayakumar to management.

नई दिल्ली, 7 जुलाई 1993

का.अ. 1614—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पारादीप पोर्ट ट्रस्ट, पारादीप के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, उड़ीसा, भुवनेश्वर के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 2-7-93 को प्राप्त हुआ था।

[संख्या एल-38012/3/88-डी-III (बी)]

बी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 7th July, 1993

S.O. 1614.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Orissa, Bhubaneswar as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Paradip Port Trust, Paradip and their workmen, which was received by the Central Government on 2-7-93.

[No. L-38012/3/88-D. III (B)]

B. M. DAVID, Desk Officer

ANNEXURE

INDUSTRIAL TRIBUNAL : ORISSA : BHUBANESWAR

PRESENT :

Sri R. K. Dash, LL.B.,
Presiding Officer,
Industrial Tribunal,
Orissa, Bhubaneswar.

INDUSTRIAL DISPUTE CASE NO. 17 of 1989 (CENTRAL)

Dated, Bhubaneswar, the 16th June, 1993

BETWEEN :

The Management of Paradip Port Trust, Paradip.
....First party-management
AND

Their workmen Smt. Kanakalata Das represented
through Paradip Bandar Shramik Union
(CITU), Sector-21, Paradip Port, Paradip.

&

Smt. Belabala Sethi represented through Utkal
Port & Dock Workers' Union, Brindaban
House Complex, Paradip Port, Paradip.

....Second party-workmen

APPEARANCES :

Sri H. K. Mohanty, Dy. Secretary (Law)—For
the 1st party-management.

Sri S. C. Mohanty, Secretary of the Union—For
the workman Smt. K. L. Das.

Sri J. Das, Advocate—For the workman Smt.
Belabala Sethi.

AWARD

The Government of India in the Ministry of Labour in exercise of powers conferred upon it by clause (d) of sub-section (1) & sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have referred the following dispute for adjudication by this Tribunal vide their Order No. L-38012/3/88-D. III(B) dated 3-8-89 :—

“Whether the action of the management of Paradip Port Trust, At/P.O. Paradip, Dist. Cuttack in not promoting Smt. Kanakalata Das, Staff Nurse to the post of Nursing Sister is justified ? If not, what relief is the workman entitled to ?”.

2. The grievance of the Paradip Bandar Shramik Union representing the aggrieved workmen Smt. Kanakalata Das is that Smt. Das being senior most Staff Nurse and having requisite qualification and experience was denied of promotion by the management of Paradip Port Trust to the post of Nursing Sister. On the contrary, the management promoted Smt. Belabala Sethy, a junior to her by violating the prescribed rules. Elaborating as to how the management committed mischief and denied promotion to Smt. Das, the Union has urged that the post of Nursing Sister though fell vacant on 30-6-83 but for a period of four years it was not filled up. However, to manage the work of Nursing Sister, the management ordered Smt. Das, the senior most Staff Nurse to remain in charge of the said post. In response to such direction Smt. Das worked in the said post with utmost sincerity and to the best satisfaction of the authority. Later on, the management instead of giving her promotion to the said post promoted Smt. Belabala Sethy under office order dated 20-8-87. When Smt. Das had performed the duty of Nursing Sister for a pretty long time without any extra remuneration in all fairness her case should have been considered for promotion and not of her junior.

3. The case of the management of Paradip Port Trust on the other hand is that the post of Nursing Sister in question being a promotional post was meant for Schedule Tribe candidate as borne out from the roster. But to fill-up the back-log meant for Schedule Caste, the case of Belabala Sethy who admittedly belongs to such caste was considered and she having requisite qualification and service experience as provided under Rules was given promotion as recommended by the Departmental Promotion Committee (for short ‘D.P.C.’). As to the claim of Smt. Kanakalata Das, it is the case of the management that since she had neither experience nor requisite qualification, her case was not considered for promotion.

4. Smt. Belabala Sethy who came to be impleaded as a party to the proceeding has filed written statement through Utkal Port & Dock Workers Union challenging the claim of Smt. Kanakalata Das. As urged by her, the post of Nursing Sister in question was a reserved post and she being a Schedule Caste candidate and having requisite qualification and service experience, her name was recommended by the D.P.C. and accordingly she was promoted to the said post. She has categorically pleaded that she has

passed H.S.C. and obtained diploma in Nursing from S.C.B. Medical College and joined as a Staff Nurse under the State Government in 1974. Thereafter she accepted the job in the Paradip Port Hospital and by the time she was given promotion, she had 13 years service experience whereas under the Rules the minimum experience required was ten years. So, the D.P.C. rightly recommended her name for promotion which the management accepted and issued orders accordingly.

5. In view of the pleadings of the parties, the following issues are settled :—

ISSUES

- (1) If the reference is maintainable ?
- (2) If the second party Smt. Kanakalata Das did not possess the requisite qualification for being considered for promotion to the post of Nursing Sister ?
- (3) If the post of Nursing Sister which was filled in by promotion by Smt. Belabala Sethy is a reserved seat for S.C. candidate ?
- (4) If there was supersession in the case of Smt. Das and if such supersession is justified ?
- (5) To what relief, if any, the second party is entitled ?

6. So far the question of maintainability is concerned, all the parties to the proceeding did not press the same in course of argument. On the contrary, they having made reference to the evidence on record wanted disposal of the case on merit. In this view of the matter, the question of maintainability being not pressed needs no discussion. The remaining issues being co-related with each other are taken-up for consideration simultaneously for the sake of convenience.

7. The entry, Ext. K/1 in the roster Register, Ext. K indicates that the post of Nursing Sister in point No. 4 is meant for Schedule Tribe which has admittedly been filled-up by giving promotion to Smt. Belabala Sethy who is admittedly a Schedule Caste employee. The bone of contention of the aggrieved workmen Smt. Kanakalata Das is that she being senior to Belabala Sethy the aforesaid promotional post should have been de-reserved and she having requisite qualification and service experience for more than ten years should have been promoted since 1983 when the post fell vacant. Instead, the management waited till 1987 with the intention to show favour to Smt. Belabala Sethy as because by 1983 she was not eligible for promotion. Admittedly, the post of Nursing Sister is a promotional post as provided in the Rules, marked Ext. J. It is provided therein that a staff Nurse is eligible for promotion to the post of Nursing Sister if she has passed matriculation or equivalent examination with diploma in Nursing or midwifery and has ten years service experience or B.Sc. Nursing with three years service experience. The gradation list, Ext. A indicates that Smt. Kanakalata Das though a plucked matriculate but having passed general Nursing and Midwifery joined service in the Paradip Port Hospital on 11-10-75. Evidence however, has been led in course

of hearing that she has passed matriculation in 1987. On the other hand, Smt. Belabala Sethy has passed H.S.C. examination and obtained diploma in Nursing. But she is junior to Smt. Das in service, her date of joining being 21-9-79. So, by the time the post of Nursing Sister fell vacant in 1983 admittedly, Smt. Das was not qualified to be promoted although she had served eight years in the Paradip Port Hospital and as deposed to by her prior to entering Port Hospital she had acquired three years experience.

8. Next, coming to the case of Smt. Belabala Sethy, it would be evident from the available material on record that she had the requisite qualification and experience for being considered for promotion to the post of Nursing Sister. She was a matriculate and obtained diploma in Nursing (see seniority/gradation list, Ext. A). As to her service experience, though by the time the aforesaid post fell vacant in 1983 she had hardly served in the Port Hospital for four years but when her name was recommended by the D.P.C., her total service period for eight years in the said Hospital and also her previous experience in the State Government service since 1974 had been taken into consideration. The fact of her having previous experience in the State Government service stands admitted both by the management in the additional written statement as well as by Smt. Das during her cross-examination. Apart from what has been stated above, as the post in question was meant for reserved employee, names of two persons, namely, Smt. Belabala Sethy and Smt. Hiramani Behera, both belonging to Schedule Caste were placed before the D.P.C. as borne out from the recommendation order, Ext. L/1. But because Smt. Behera did not have the requisite experience, so Smt. Sethy's name was recommended as she satisfied all the conditions.

The grievance of the workman Smt. Das is that the management instead of keeping the said post vacant for four years should have de-reserved and considered her name for promotion. This argument is barely to be noted and rejected since Smt. Das had neither the requisite qualification nor service experience by the time the post fell vacant. It be recalled that she was a plucked matriculate and only in 1987 she passed the H.S.C. Examination. Apart from the fact that she was not eligible for promotion, she being an employee under the Port Trust has also no right to interfere in the administrative function of the management and ask as to why the post in question was kept vacant for years together. The Court of law equally also is not required to intrude upon the administrative arena of the management to ascertain the reason for not filling up the post by giving promotion.

9. In view of my discussions made above, I hold that the action of the management in promoting Smt. Belabala Sethy, a Schedule Caste candidate to the post of Nursing Sister is quite legal and justified which needs no interference by this Tribunal.

10. The reference is thus answered accordingly. Dictated and corrected by me.

Dt. 16-6-1993.

R. K. DASH, Presiding Officer.

नई दिल्ली, 7 जुलाई, 1993

का.ग्रा. 1615 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओ.एन.जी. सी. के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-कम-लेबर कोर्ट नं.-2 बम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-7-93 को प्राप्त हुआ था।

[संख्या एल-30011/3/91-आईआर (विविध)]
बी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 7th July, 1993

S.O. 1615.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of ONGC and their workmen, which was received by the Central Government on 6-7-93.

[No. L-30011/3/91-IR(Misc.)]

B.M. DAVID, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

PRESENT

Shri P.D. Apshankar
Presiding Officer

Reference No. CGIT-2/42 of 1991

PARTIES:

Employers in relation to the management of Oil
and Natural Gas Commission.

AND

Their workmen.

APPEARANCES:

For the employers : Shri Ishwar K. Ramtakhiani,
Representative.

For the workmen : No appearance.

INDUSTRY : Oil & Natural Gas

STATE : Maharashtra.

Bombay, the 18th June, 1993.

AWARD

The Central Government by their Order No. L-30011/3/91-IR(DU) dated 16/17-9-1991 have referred the following industrial dispute to this Tribunal for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947.

"Whether the action of the management of ONGC in not paying the topmen of Sagar Ratna Offshore Rig their wages for the period from May 1990 to July 1990 was justified. If not, to what relief are the workmen entitled?"

2. The case of the workmen in question as disclosed from the Statement of Claim (Ex. 2) filed by their union, in short, is thus :

It is a part of the contract of employment between the employer and employees that the employer has to give the job as and when employees workmen report for the duty, unless there is a lay off or a lock-out. In the present case, the workmen/topmen were reporting for the duty, but the management was not allowing them to resume to their duties. The workmen were to be given their duties on Offshore from May to July 1990. However, the management of the ONGC wanted the undertaking from the workmen that the workmen/topmen would do their work without Officers or Fitters. During the said period whenever the workmen remained present before the ONGC Officer, Bandra, they were told that if the undertaking is not given, they would not be allowed to resume duty or sign the muster. This act of the management is malafide. The workmen/topmen used to come to Bandra Office and they used to sign in a separate muster kept by the workmen. However, the management refused to pay the wages of the period of May to July 1990 to those workmen even though the workmen had reported for duty.

The union, therefore, lastly prayed that the action of the management in not paying the wages of the said period to the workmen/topmen of Sagar Ratna Offshore of the said period, is unjust and illegal, and that this Tribunal should direct the management of ONGC to pay the necessary wages of the said period to them.

3. The management of the ONGC by their Written Statement (Ex. 3) opposed and contested the said claim of the workmen, and in short, contended thus :—

The Order of the reference in question is not valid and not authorised by law, and this Tribunal is not competent to entertain and decide the present alleged industrial dispute. No industrial dispute exists or is apprehended between the workmen and the management in respect of payment of wages of the period of May to July 1990, as the workmen in question had entered into an agreement on the said point before the Regional Labour Commissioner (Central).

Therefore, the issues in question were concluded by the said agreement.

4. The management further contended thus:

As per the terms of the said agreement, the Topmen had agreed to attend to shale shaker and mud pump as they had been doing earlier. It was further agreed that as Topmen had refused to do any of their duties in mud pump and shale shaker area during relevant period, they were not sent by management by helicopter to "Sagar Rana" and have been rightly marked absent. Accordingly, they have not earned their wages for the said period.

5. The management further contended thus:

Since the workmen and the union agreed before the Regional Labour Commissioner (Central) that they were absent from duty and had not earned their wages during the said period, the present reference in respect of the issue of payment of wages for the period from May to July 1990 is not maintainable, and that otherwise also, the present reference is not maintainable on the principle of "no work, no pay".

The management then contended that Topmen expressed their willingness to do their normal work with effect from 22-6-1990 and were treated on duty with effect from 22-6-1990, and were paid wages accordingly. Therefore, there is no issue between the parties regarding payment of wages for the period from 22-6-1990 to 31-7-1990. The period of absence from duty upto 21st June 1990 was regularised on the principle of "no work, no pay".

Therefore, the management lastly prayed for the rejection of the prayer of the workmen.

6. The necessary Issues were framed at Ex. 4 on 17-9-1992. On that day the workmen and the union were absent. However, the representative of the management was present. Even on the subsequent dates, after framing of the Issues, i.e. on 23-10-1992, 21-12-1992, 3-2-1993, 11-3-1993, 27-4-1993 and 18-5-1993, the union as well as workmen remained absent. The union had challenged the action in question of the management, and as such, the burden was upon the union and the workmen to prove the alleged illegality and unjustification of the action in question of the management. However, the workmen and the union did not lead any evidence in support of their case. Therefore, the management was directed to file the affidavit of their witness in support of their case.

7. Accordingly, the management of the ONGC, filed the affidavit (Ex. 5) of Shri Apurba Jiban Baruah, Joint Director (Industrial Relations) of ONGC, in support of their case. As the workmen and their union remained absent, what the said witness stated in his affidavit, has gone unchallenged. Therefore, I see no reason to disbelieve any of the statements made by the said witness, as well as contentions made by the said management in their written statement, as regards the question of facts. As regard the question of law, I find that this Tribunal is competent to entertain the present reference, that it is tenable in law and that an industrial dispute existed between the parties.

8. The management stated in their written statement that Topmen had expressed their willingness to do their normal work w.e.f. 22-6-1990 and that they

were treated on duty w.e.f. 22-6-1990 and were accordingly paid wages from 22-6-1990 to 31-7-1990 and the period of absence from the duty upto 21-6-90 was regularised by management on the principle of "no work, no pay". I accept this statement of the management in their written statement as well as in the affidavit of the said witness of the management.

9. Therefore, the following award is passed.

AWARD

The workmen|Topmen were treated on duty w.e.f. 22-6-1990 and were accordingly paid the wages by management of ONGC from 22-6-1990 to 31-7-1990.

The period of absence of those Topmen from duty upto 21-6-1990 was regularised by the management on the principle of "no work, no pay", and this action on the part of the management is just, proper and legal.

The parties to bear their own costs of this reference.
18th June, 1993.

P.D. APSHANKAR, Presiding Officer

नई दिल्ली, 7 जुलाई, 1993

का.आ. 1616 :—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 16-7-1993 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (धारा-44 और 45 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) और अध्याय-5 और 6 (धारा-76 की उपधारा (1) और धारा 77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) के उपबन्ध केरल राज्य के निम्नलिखित क्षेत्र में प्रवृत्त होंगे, अर्थात् :—

"जिला पथानमथीता के तालुक अदूर में राजस्व ग्राम पेरिंगनाद और अदूर के अन्तर्गत आने वाले क्षेत्र"।

[संख्या : एस-38014/11/93-एसएस-1]

जे.पी. शुकला, अवर सचिव

New Delhi, the 7th July, 1993

S.O. 1616.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 16th July, 1993 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter V and VI (except sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Kerala namely :—

"The areas within the revenue villages of "Peringanaad" and Adoor in Adoor taluk of Pathanamthitta District."

[No. S-38014/11/93-SS.1]

J.P. SHUKLA, Under Secy.

नई दिल्ली, 8 जुलाई, 1993

New Delhi, the 8th July, 1993

का.आ. 1617:—उत्प्रवास अधिनियम, 1983 (1983 का 31) की धारा 15 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार भारतीय मुख्य कौसलावास, जद्दा में वाइस कान्सुल श्री आई.पी. लाकरा को सक्षम प्राधिकारी को शक्तियों का प्रयोग करने तथा उन नियोजकों, जो उस देश में रोजगार के लिये किसी भारतीय नागरिक की शर्तों के प्रयोजनार्थ भारतीय नागरिक नहीं हैं, को परमिट जारी करने के लिये प्राधिकृत करती है।

[संख्या ए-22020/1/91-उत्प्रवास-II]

एस.एस. शर्मा, उत्प्रवास महासंरक्षी तथा
संयुक्त सचिव

S.O. 1617.—In exercise of the powers conferred by sub-section (2) of section 15 of the Emigration Act, 1983 (31 of 1983), the Central Government hereby authorises Sh. I. P. Lakra, Vice Counsel (Labour) in the Consulate General of India, Jeddah (Saudi Arabia) to exercise the powers of competent authority and to sign the work permits to the employers, who are not citizens of India, for the purpose of recruiting any citizen of India for employment in that country.

[No. A-22020/1/91-Emig. II]

S.S. SHARMA, Protector General of Emigrants and
Jt. Secy.